

PROCEEDINGS OF THE COMMON COUNCIL

IN REGULAR SESSION

TUESDAY, MAY 22, 19 79

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council

Chambers Tuesday evening May 22 A.D., 19 79, in
Regular Session. President Winfield C. Moses, Jr. in the chair,
and John H. Logan - Council Attorney
~~XXXX~~ Clerk, at the desk, present the following

members _____ viz:

BURNS ✓, HINGA ✓, HUNTER ✓,

MOSES _____, NUCKOLS ✓, DONALD SCHMIDT ✓,

VIVIAN SCHMIDT ✓, STIER ✓, TALARICO ✓,

ABSENT _____

COUNCILMAN _____, _____, _____,
_____, _____, _____,

The invocation was given by Sister Miriam - Saint Hyacinth

Catholic Church

Received report from the City Controller for the month of _____,

19 _____. Motion made and carried that report be made a matter of record and placed
on file.

The minutes of the last Regular April 24, 19 79,

COUNCIL PROCEEDINGS INDEX FOR 1978, 19 _____,

Special _____, 19 _____,

Session having been delivered to the Council, were, on motion, approved and
published.

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers: 27/79/E
28/79/D

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolutions a matter of record
and incorporate them into the minutes of the next Common
Council Meeting.

Respectfully submitted,


Terry Coonan, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 27/79/E)
28/79/D

I hereby certify that I did this 2nd day of
May, 19 79 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 27/79/E
28/79/D of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.

Jerry Coonan
CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 27/79/E

(Adopted May 2, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to NO PARKING (EMERGENCY)

_____ : AND,

WHEREAS, the City Traffic Engineer has, by written memorandum

dated April 30, 1979, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

May 2, 1979, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (EMERGENCY)

Barr St. -- west side -- from Lewis St. to the alley south of Douglas St.

REGULATORY RESOLUTION NO. 28/79/D

(Adopted May 2, 19 79)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section ¹²⁰123 of said chapter delegates to this Board authority to 120: DELETE: NO PARKING
7:00 AM to 4 PM SCHOOL DAYS ONLY (DELEGATED)
123: NO PARKING PASSENGER LOADING ZONE (DELEGATED)

_____ ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated April 30, 19 79, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board ¹²⁰by Section 123 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective

May 2, 19 79, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

DELETE:
NO PARKING 7 AM to 4 PM SCHOOL DAYS ONLY (DELEGATED)

Barr St. -- west side -- from Lewis St. to Douglas St.

NO PARKING PASSENGER LOADING ZONE (DELEGATED)

Barr St. -- west side -- from 130 ft. north of Douglas ST.
to 150 ft. north thereof.

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 29/79/D)

I hereby certify that I did this 10th day of
May, 19 79 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 29/79/ D of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.


CHAIRMAN, Board of Public Safety

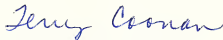
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Number: 29/79/D

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolution a matter of record and
incorporate it into the minutes of the next Common Council
Meeting.

Respectfully submitted,



Terry Coonan, Chairman
Board of Public Safety

REGULATORY RESOLUTION NO. 29/79D

(Adopted May 10, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 of said chapter delegates to this Board authority to NO PARKING (DELEGATED)

_____; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 7, 19 79, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 121 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective May 10, 19 79, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (DELEGATED)

Wildmere Dr. -- east side -- from Wildwood Ave. to first alley north thereof.

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers: 30/79/E
31/79/E
32/79/D

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolutions a matter of record and
incorporate them into the minutes of the next Common Council
Meeting.

Respectfully submitted,


Terry Coonan, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 30/79/E
31/79/E)
32/79/D

I hereby certify that I did this 11th day of
May, 19 79 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 30/79/E
31/79/E of the Board of Public
32/79/D
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.

Jimmy Coonan
CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 30/79'E

(Adopted May, 11, 19 79)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with

regard to RENEW & EXTEND REGULATORY RESOLUTION 14/79/E:

THRU STREET (EMERGENCY) RENEW & EXTEND REGULATORY RESOLUTION

13/79/E : STOP INTERSECTION (EMERGENCY) AND DELETE:

PREFERENTIAL INTERSECTION (EMERGENCY)

_____: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum

dated May 10, 19 79, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

May 10, 19 79, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

THRU STREET (EMERGENCY)

Vance Ave. -- from -- Parnell Ave. to East City Limits except at Parnell Ave., Crescent Ave., Anthony Blvd., Hobson Rd., Coliseum Blvd., Reed Rd., and Rockwood Dr.

STOP INTERSECTION (EMERGENCY)

Barthold St. -- stop -- for Third St.

DELETE:
PREFERENTIAL INTERSECTION (EMERGENCY)

Third St. -- preferential -- at Barthold St.

(Adopted May 11, 19 79)

regard to STOP INTERSECTION(EMERGENCY)

: AND.

Bowser Ave. -- stop -- for Colerick St.

REGULATORY RESOLUTION NO. 32/79 /D

(Adopted May 11, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 14 of said chapter delegates to this Board authority to DELETE: PREFERENTIAL
INTERSECTION (DELEGATED)

_____; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 10, 1979, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 14 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective May 11, 1979, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

DELETE:

PREFERENTIAL INTERSECTION (DELEGATED)

Colerick St. -- preferential -- at Bowser Ave.

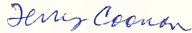
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Number: 33/79/D

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolutions a matter of record
and incorporate it into the minutes of the next Common Council
Meeting.

Respectfully submitted,



Terry Coonan, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 33/79/D)

I hereby certify that I did this 15th day of
May, 19 79 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 33/79/D of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.


CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 33/79/D

(Adopted May 15, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 of said chapter delegates to this Board authority to NO PARKING (DELEGATED)

_____; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 11, 1979, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 121 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective

May 15, 1979, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (DELEGATED)

Taylor St. -- south side -- from Freeman St. to 150 ft. east thereof

Taylor St. -- south side -- from Freeman St. to 150 ft. west thereof

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Number: 34/79/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolution a matter of record and
incorporate it into the minutes of the next Common Council
Meeting.

Respectfully submitted,

A handwritten signature in cursive script, reading "Terry Coonan".

Terry Coonan, Chairman
Board of Public Safety

R E T U R N C E R T I F I C A T E

(Regulatory Resolution No. 34/79/ E)

I hereby certify that I did this 17th day of
May, 1979 deliver to each, the City Traffic
Engineer, the Chief of Police, the City Attorney, the City
Clerk and the President of the Common Council of the City
of Fort Wayne, Indiana respectively, a copy of the within
Regulatory Resolution No. 34/79/ E of the Board of Public
Safety of the City of Fort Wayne, duly certified by me as
Chairman of said Board, in accordance with the provisions
of Section 17-4 of Chapter 17, of the Code of the City of
Fort Wayne, Indiana 1974.

Jerry Coonan
CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 34/79/E

(Adopted May 17, 19 79)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with
RENEW & EXTEND REGULATORY RESOLUTION 17/79/E:
regard to NO PARKING (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 16, 19 79, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

May 17, 19 79, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (EMERGENCY)

Eade Ave. -- east side -- from East State Blvd. to 150 ft. north thereof (to alley)



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

22 May 1979

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-79-04-07

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
22nd day of May, 1979.

Thomas Adams
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

21 May 1979

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held May 21, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-79-04-07
2. From R1 to B1A
3. Intended Use: Locksmith Service
4. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reason:

- a. The request is spot zoning.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING
Division of Long Range Planning &
Zoning

Gary F. Baeten (signature)
Gary F. Baeten
Senior Planner

GFB:pb

Attachments

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 10, 1979, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-79-04-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 14, 1979;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the overall City Plan; and,

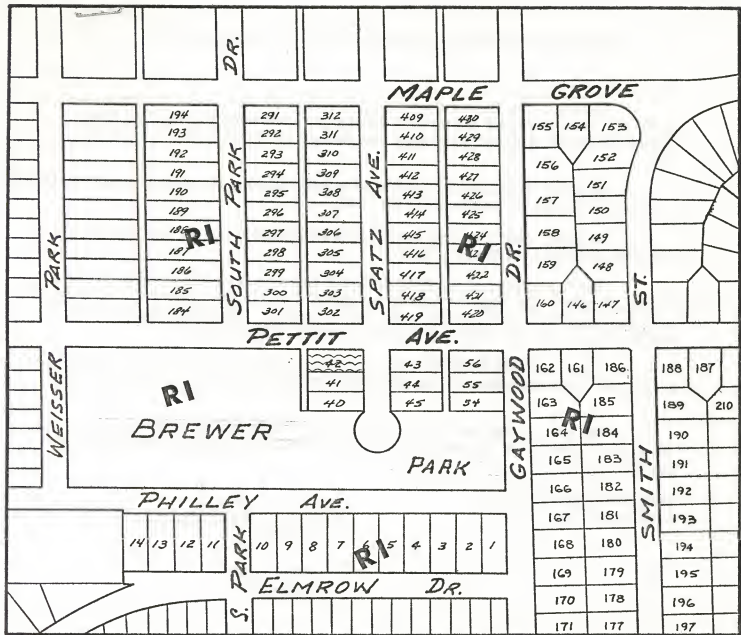
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 21, 1979.

Certified and signed this
22nd day of May, 1979.

Thomas J. Adams

Thomas Adams
Secretary



REZONING FROM 'R-1' TO 'BIA'

MAP No. N.19

Z-79-04-07





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

22 May 1979

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-79-04-18

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
22nd day of May, 1979.

Thomas Adams
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

22 May 1979

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held May 21, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-79-04-18
2. From RA to M1
3. Intended Use: Storage Building
4. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reason:

- a. This request is spot zoning.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING
Division of Long Range Planning &
Zoning

Gary F. Baeten
Senior Planner

GFB:pb

Attachments

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 24, 1979, referred a proposed zoning ordinance amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-79-04-18; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 14, 1979;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

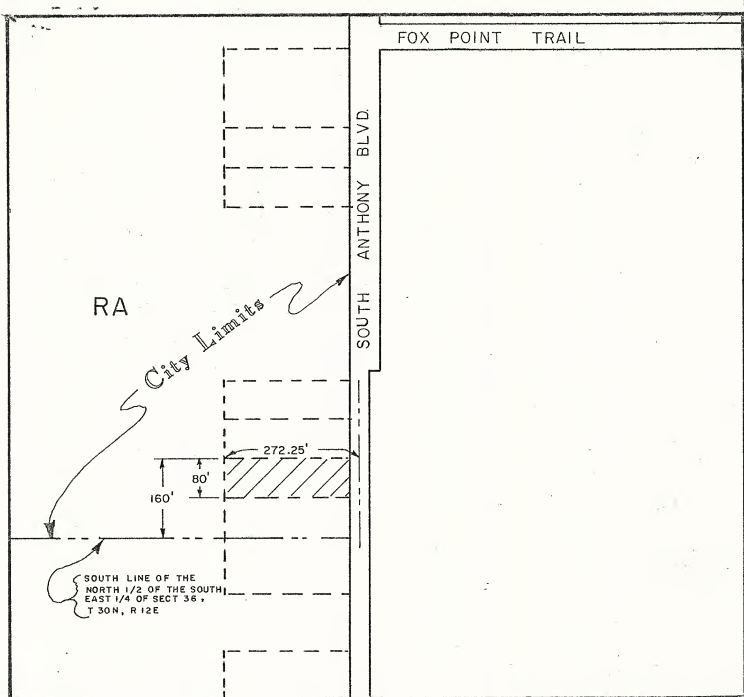
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 21, 1979.

Certified and signed this
22nd day of May, 1979.



Thomas Adams
Secretary



 CHANGE. FROM RA TO M-I

Map No. 0-35

Z-79-04-18





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

May 1, 1979

To the Common Council
Gentlemen and Mrs. Schmidt:

Today, May 1, 1979, I have approved the following ordinances passed by the Common Council at its regular meeting of April 24, 1979

(Bill No. A-79-04-01)
APPROPRIATION ORDINANCE NO. A-07-79

AN ORDINANCE appropriating certain funds from the Revenue Sharing Trust Account Fund 134 to various reserve funds

(Bill No. A-79-04-02)
APPROPRIATION ORDINANCE NO. A-08-79

AN ORDINANCE transferring and appropriating additional funds from the Third Year CDBG Discretionary Funds for the renovation of the Martin Luther King Center

(Bill No. S-79-04-03)
SPECIAL ORDINANCE NO. S-70-79

AN ORDINANCE approving an Agreement to purchase Real Estate from Thomas Swihart for Neighborhood Care, Inc.

(Bill No. S-79-04-04)
SPECIAL ORDINANCE NO. S-71-79

AN ORDINANCE approving an Agreement to purchase Real Estate from David and Flo Ann Cain for Neighborhood Care, Inc.

(Bill No. S-79-04-05)
SPECIAL ORDINANCE NO. S-72-79

AN ORDINANCE approving a contract between International Harvester Company and the City of Fort Wayne by and through its Department of Public Safety for Fire protection



(Bill No. R-79-04-15)
RESOLUTION NO. R-16-79

A RESOLUTION authorizing payment to various agencies for repair of various vehicles

(Bill No. R-79-04-16)
RESOLUTION NO. R-17-79

A RESOLUTION authorizing payment to Elliott Equipment Company for repair parts for the Traffic Engineering Department (Signal Division)

(Bill No. Z-79-02-09)
ZONING MAP ORDINANCE NO. Z-14-79

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-22

(Bill No. Z-79-02-33)
ZONING MAP ORDINANCE NO. Z-15-79

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-22

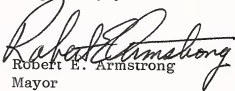
(Bill No. R-79-04-17)
RESOLUTION NO. R-18-79

A RESOLUTION approving the construction of East Central Towers as a low income housing project by the Fort Wayne Housing Authority

(Bill No. S-79-04-09)
SPECIAL ORDINANCE NO. S-73-79

AN ORDINANCE approving City Utilities Purchase Order No. 0972 with Treaty Company for equipment for the Water Maintenance & Service Department

Respectfully yours,


Robert E. Armstrong
Mayor

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 22nd day of May, 19 79 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19 ____.

Charles W. Westerman
City Clerk

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, MAY 22, 1979

CITY OF FORT WAYNE INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday evening May 22, 1979, in Regular Session. President Winfield C. Moses, Jr. in the chair, and John H. Logan, Council Attorney at the desk, present the following members nine viz:

The invocation was given by Sister Miriam - Saint Hyacinth Catholic Church.

The minutes of the last Regular April 24, 1979, Session and Council Proceedings Index for 1978, having been delivered to the Council, were, on motion, approved and published.

COMMUNICATION FROM THE MAYOR

May 1, 1979

To the Common Council
Gentlemen and Mrs. Schmidt:

MADE A MATTER OF RECORD
DATE _____ CHARLES W. WESTERMAN, CITY CLERK

Today, May 1, 1979, I have approved the following ordinances passed by the Common Council at its regular meeting of April 24, 1979

(Bill No. A-79-04-01)
APPROPRIATION ORDINANCE NO. A-07-79

AN ORDINANCE appropriating certain funds from the Revenue Sharing Trust Account Fund 134 to various reserve funds

(Bill No. A-79-04-02)
APPROPRIATION ORDINANCE NO. A-08-79

AN ORDINANCE transferring and appropriating additional funds from the Third Year CDBG Discretionary Funds for the renovation of the Martin Luther King Center

(Bill No. S-79-04-03)
SPECIAL ORDINANCE NO. S-70-79

AN ORDINANCE approving an Agreement to purchase Real Estate from Thomas Swihart for Neighborhood Care, Inc.

(Bill No. S-79-04-04)
SPECIAL ORDINANCE NO. S-71-79

AN ORDINANCE approving an Agreement to purchase Real Estate from David and Flo Ann Cain for Neighborhood Care, Inc.

(Bill No. S-79-04-05)
SPECIAL ORDINANCE NO. S-72-79

AN ORDINANCE approving a contract between International Harvester Company and the City of Fort Wayne by and through its Department of Public Safety for Fire protection

(Bill No. R-79-04-15)
RESOLUTION NO. R-16-79

A RESOLUTION authorizing payment to various agencies for repair of various vehicles

(Bill No. R-79-04-16)
RESOLUTION NO. R-17-79

A RESOLUTION authorizing payment to Elliott Equipment Company for repair parts for the Traffic Engineering Department (Signal Division)

(Bill No. Z-79-02-09)
ZONING MAP ORDINANCE NO. Z-14-79

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-22

(Bill No. Z-79-02-33)
ZONING MAP ORDINANCE NO. Z-15-79

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-22

(Bill No. R-79-04-17)
RESOLUTION NO. R-18-79

A RESOLUTION approving the construction of East Central Towers as a low income housing project by the Fort Wayne Housing Authority

(Bill No. S-79-04-09)
SPECIAL ORDINANCE NO. S-73-79

AN ORDINANCE approving City Utilities Purchase Order No. 0972 with Treaty Company for equipment for the Water Maintenance & Service Department

Respectfully yours,

Robert E. Armstrong
Mayor

Concurred in 5-22-79

Charles W. Westerman
City Clerk

COMMUNITY DEVELOPMENT AND PLANNING
COMMUNICATION FROM CITY PLAN COMMISSION

22 May 1979

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the CITY PLAN COMMISSION on one (1) ordinance concerning the amendment of the FORT WAYNE ZONING ORDINANCE BOOK (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-79-04-07

Respectfully submitted,

CITY PLAN COMMISSION

Thomas Adams
Secretary

Certified and signed this
22nd day of May, 1979

Made a matter of record 5-22-79

Charles W. Westerman
City Clerk

The City of Fort Wayne
Office of City Plan Commission

21 May 1979

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46801

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held May 21, 1979.. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-79-04-07
2. From R1 to B1A
3. Intended Use: Locksmith Service
4. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reason:

- a. The request is spot zoning.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

DEPARTMENT OF COMMUNITY DEVELOPMENT
AND PLANNING
Division of Long Range Planning and Zoning

Gary F. Baeten
Land Use Administrator

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 10, 1979, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-79-04-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 14, 1979;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 21, 1979.

Thomas G. Adams
Secretary

Certified and signed this
22nd day of May, 1979

COMMUNITY DEVELOPMENT AND PLANNING
COMMUNICATION FROM CITY PLAN COMMISSION

22 May 1979

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, Indiana 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the CITY PLAN COMMISSION on one (1) ordinance concerning the amendment of the FORT WAYNE ZONING ORDINANCE BOOK (General Ordinance Number 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-79-04-18

Respectfully submitted,

CITY PLAN COMMISSION

Thomas Adams
Secretary

Certified and signed this
22nd day of May, 1979

Made a matter of record 5-22-79

Charles W. Westerman
City Clerk

The City of Fort Wayne
Office of City Plan Commission

22 May 1979

Members of the Common Council

City-County Building
One Main Street
Fort Wayne, Indiana 46801

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held May 21, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill NO. Z-79-04-18
2. From RA to M1
3. Intended Use: Storage Building
4. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reason:

- a. This request is spot zoning

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

DEPARTMENT OF COMMUNITY DEVELOPMENT
AND PLANNING
Division of Long Range Planning and Zoning

Gary F. Baeten
Land Use Administrator

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on April 24, 1979, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-79-04-18; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 14, 1979;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 21, 1979.

Thomas G. Adams
Secretary

Certified and signed this
22nd day of May, 1979

COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety Regulatory Resolution Numbers 27/79/E & 28/79/D

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate it into the minutes of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan
Chairman - Board of Public Safety

Made a matter of record 5-22-79

Charles W. Westerman
City Clerk

RETURN CERTIFICATE
(Regulatory Resolution No. 27/79/E & 28/79/D)

I hereby certify that I did this 2nd day of May, 1979 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 27/79/E & 28/79/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Terry Coonan
Chairman, Board of Public Safety

REGULATORY RESOLUTION NO. 27/79/E

(Adopted May 2, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to NO PARKING (EMERGENCY): AND

WHEREAS, the City Traffic Engineer has, by written memorandum dated April 30, 1979 , submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the Office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make

temporary or experimental regulations to cover special conditions, it is hereby ordered, effective May 2, 1979, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (EMERGENCY)

Barr St. --- west side-- from Lewis St. to the Alley south of Douglas St.

REGULATORY RESOLUTION NO. 28/79/D

(Adopted May 2, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 120 & 123 of said chapter delegates to this Board authority to 120: DELETE: NO PARKING 7:00 AM to 4 PM SCHOOL DAYS ONLY (DELEGATED) 123: NO PARKING PASSENGER LOADING ZONE (DELEGATED); and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated April 30, 1979 submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 120 & 123 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective May 2, 1979 and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

DELETE:

NO PARKING 7 AM to 4 PM SCHOOL DAYS ONLY (DELEGATED)

Barr St. --west side-- from Lewis St. to Douglas St.

NO PARKING PASSENGER LOADING ZONE (DELEGATED)

Barr St. --west side-- from 130 ft. north of Douglas St. to 150 ft. north thereof

COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety
Regulatory Resolution Numbers 29/79/ D

For the purpose of enforcement, please make this communication and the attached
Regulatory Resolutions a matter of record and incorporate it into the minutes
of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan
Chairman - Board of Public Safety

Made a matter of record 5-22-79

Charles W. Westerman
City Clerk

RETURN CERTIFICATE
(Regulatory Resolution No. 29/79/D)

I hereby certify that I did this 10th day of May, 1979 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 29/79/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Terry Coonan
Chairman, Board of Public Safety

REGULATORY RESOLUTION NO. 29/79/D

(Adopted May 10, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 of said chapter delegates to this Board authority to NO PARKING (DELEGATED); and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 7, 1979 submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 121 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective May 10, 1979 and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING(DELEGATED)

Wildmere Dr. --east side-- from Wildwood Ave. to first alley north thereof

COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety Regulatory Resolution Numbers 30/79/E, 31/79/E and 32/79/D

For the purpose of enforcement, please make this communication and the attached

Regulatory Resolutions a matter of record and incorporate it into the minutes of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan
Chairman - Board of Public Safety

Made a matter of record 5-22-79

RETURN CERTIFICATE
(Regulatory Resolution No. 30/79/E, 31/79/E &
32/79/D)

I hereby certify that I did this 11th day of May, 1979 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 30/79/E, 31/79/E and 32/79/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Terry Coonan
Chairman, Board of Public Safety

REGULATORY RESOLUTION NO. 30/79/E

(Adopted May 11, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REGULATORY RESOLUTION 14/79/E: THRU STREET (EMERGENCY) RENEW & EXTEND REGULATORY RESOLUTION 13/79/E: STOP INTERSECTION (EMERGENCY) AND DELETE: PREFERENTIAL INTERSECTION (EMERGENCY) AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 10, 1979 , submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the Office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective May 10, 1979 , and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

<u>THRU STREET</u>		<u>(EMERGENCY)</u>
Vance Ave.	--from--	Parnell Ave. to East City Limits except at Parnell Ave., Crescent Ave., Anthony Blvd., Hobson Rd., Coliseum Blvd., Reed Rd., and Rockwood Dr.
<u>STOP INTERSECTION</u>		<u>(EMERGENCY)</u>
Barthold St.	--stop--	fro Third St.
DELETE:		
<u>PREFERENTIAL INTERSECTION</u>		<u>(EMERGENCY)</u>
Third St.	--preferential--	at Barthold St.

REGULATORY RESOLUTION NO. 31/79/E

(Adopted May 11, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to STOP INTERSECTION (EMERGENCY) AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 10, 1979 , submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the Office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY

OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective May 11, 1979 , and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Bowser Ave. --stop-- for Colerick St.

REGULATORY RESOLUTION NO. 32/79/D

(Adopted May 11, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 14 of said chapter delegates to this Board authority to DELETE: PREFERENTIAL INTERSECTION (DELEGATED); and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 10, 1979 submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 14 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective May 11, 1979 and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

DELETE:

PREFERENTIAL INTERSECTION (DELEGATED)

Colerick St. --preferential-- at Bowser Ave.

COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety
Regulatory Resolution Numbers 33/79/D

For the purpose of enforcement, please make this communication and the attached
Regulatory Resolutions a matter of record and incorporate it into the minutes
of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan
Chairman - Board of Public Safety

Made a matter of record 5-22-79 Charles W. Westerman
City Clerk

RETURN CERTIFICATE
(Regulatory Resolution No. 33/79/D)

I hereby certify that I did this 15th day of May, 1979 deliver
to each, the City Traffic Engineer, the Chief of Police, the City Attorney,
the City Clerk and the President of the Common Council of the City of
Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution
No. 33/79/D of the Board of Public Safety of the City of Fort Wayne,
duly certified by me as Chairman of said Board, in accordance with the
provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort
Wayne, Indiana 1974.

Terry Coonan
Chairman, Board of Public Safety

REGULATORY RESOLUTION NO. 33/79/D

(Adopted May 15, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 121 of said chapter delegates to this Board authority to NO PARKING (DELEGATED); and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 11, 1979 submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 121 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective May 15, 1979, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING (DELEGATED)

Taylor St. --south side-- from Freeman St. to 150 ft. east thereof

Taylor St. --south side-- from Freeman St. to 150 ft. west thereof

COMMUNICATION FROM THE CHAIRMAN OF PUBLIC SAFETY

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Attached herewith is an authenticated copy of the Board of Public Safety
Regulatory Resolution Numbers 34/79/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate it into the minutes of the next Common Council Meeting.

Respectfully submitted,

W. Terry Coonan
Chairman - Board of Public Safety

Made a matter of record 5-22-79

Charles W. Westerman
City Clerk

RETURN CERTIFICATE
(Regulatory Resolution No. 34/79/E)

I hereby certify that I did this 17th day of May, 1979 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana, respectively, a copy of the within Regulatory Resolution No. 34/79/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Terry Coonan
Chairman, Board of Public Safety

REGULATORY RESOLUTION NO. 34/79/E

(Adopted May 17, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REGULATORY RESOLUTION 17/79/E: NO PARKING (EMERGENCY) AND,

WHEREAS, the City Traffic Engineer has, by written memorandum

dated May 16, 1979 , submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the Office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective May 17, 1979 , and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING

(EMERGENCY)

Eade Ave.	--east side--	from East State Blvd. to 150 ft. north thereof (to alley)
-----------	---------------	---

BILL NO. A-79-05-01

APPROPRIATION ORDINANCE NO. A-

AN ORDINANCE appropriating funds from Fund No. 121 "Park General Fund" to Account No. 4-02-121-121-5265 "Services Contractual-Construction" to begin the reconstruction of the Diehm Museum

WHEREAS, an EMERGENCY has arisen which makes necessary the appropriation of additional funds to Account No. 4-121-121-4265 "Services Contractual-Construction" in the 1979 budget of the Parks and Recreation Department, in the amount of \$15,000.00, to defray the expense for preliminary architectural design in the reconstruction of the Diehm Museum which was destroyed by fire, for which surplus funds exist in Fund No. 121 "Park General Fund", and which additional appropriation has been recommended by the City Controller.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That there is hereby transferred from the unappropriated

and unencumbered balance of Fund No. 121 "Park General Fund" to Account No. 4-02-121-121-4265 "Services Contractual-Construction," the sum of \$15,000.00.

SECTION 2. That the unexpended and unobligated balance in Fund No. 121 "Park General Fund" is hereby reduced in the amount of \$15,000.00.

SECTION 3. That this Ordinance shall be effective upon passage and approval by the Mayor and legal publication thereof.

Vivian G. Schmidt
Councilwoman

Read the first time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Finance and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, 12th day of June, 1979, at 7:30 o'clock P.M., E.S.T.

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

BILL NO. S-79-05-02

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving a certain bid document for purchase of paint supplies for the Summer Paint Program in the CDBG Target Neighborhoods

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That a certain bid document Ref. No. 888, dated April 24, 1979, between the City of Fort Wayne, by and through its Mayor and Community Development and Planning and the following companies for the purchase of paint and paint supplies for the Summer Paint Program in the Community Development Block Grant Target Neighborhoods, all as more particularly set forth in the purchase orders, numbers and amounts as hereafter set out, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved, respectively, to wit:

<u>PURCHASE ORDER NO.</u>	<u>COMPANY</u>	<u>AMOUNT</u>
4-06216	Ream-Steckbeck Paint Company	\$10,199.13
4-06217	Sherwin-Williams Paint Company	<u>910.14</u>
	TOTAL	\$11,109.27

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Councilwoman
Vivian G. Schmidt

Read the first time in full and on motion by V. Schmidt , seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

ILL NO. S-79-05-03

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving an Agreement to
purchase Real Estate from Helen Kaminski
for Neighborhood Care, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the Agreement to purchase REal Estate dated
May 10, 1979, between the City of Fort Wayne, by and through its Mayor and
Neighborhood Care, Inc., and Helen Kaminski, for:

Lot 154 Drexel Park Addition, Fort Wayne, Indiana

for the total cost of \$8,125.00, all as more particularly set forth in said agreement
which is on file in the Office of Neighborhood Care, Inc., and is by reference

incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the first time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

BILL NO. S-79-05-04

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving an Agreement to
purchase Real Estate from Jessie May
Longmire and Mary Evans for Neighborhood
Care, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the Agreement to purchase Real Estate dated May 9, 1979, between the City of Fort Wayne, by and through its Mayor and Neighborhood Care, Inc., and Jessie May Longmire and Mary Evans, for:

W 33' Lot 18 Lasalles Addition

for the total cost of \$5,400.00, all as more particularly set forth in said agreement which is on file in the Office of Neighborhood Care, Inc., and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the first time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 5-22-79

Charles W. Westerman/ne
City Clerk

BILL NO. S-79-05-05

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving an Agreement to
purchase Real Estate from William Key
for Neighborhood Care, Inc.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the Agreement to purchase Real Estate dated April 10, 1979, between the City of Fort Wayne, by and through its Mayor and Neighborhood Care, Inc., and William Key, for:

W 24' Lot #78 Rockhill and Nelson Addition
Fort Wayne, Allen County, Indiana

for the total cost of \$3,300.00, all as more particularly set forth in said agreement which is on file in the Office of Neighborhood Care, Inc., and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the first time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Finance

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

BILL NO. S-79-05-13

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving Change Order No. 1,
in connection with the McKinley-Connett-
Edwards Sanitary Sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That Change Order No. 1 to T & G Excavating, in
connection with the McKinley-Connett-Edwards Sanitary Sewer Improvement
Resolution No. 876-78, for:

Backfill, special backfill, stone for driveway surface,
asphlat surface driveways and double chip and seal,
necessitated by the realignment of sanitary sewer into
street areas,

in the amount of \$10,194.20, as set out in the specifications, is hereby in all
things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect
from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded
by Stier, and duly adopted, read the second time by title and referred
to the Committee on City Utilities

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

BILL NO. S-79-05-14

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving Change Order
No. 23, in connection with Division I,
Water Pollution Control Plant Additions

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 23 to Hagerman-Shambaugh,
Joint Bidders, in connection with Division I, Water Pollution Control Plant
Additions, Water Quality Control Project, for:

replacement of transmitter, recalibration, repair water
leak at joint in aeration influent channel, repair chlorine
solution line, connect existing stainless steel engine
exhaust pipe to existing masonry exhaust stack, install
additional 110 volt power circuits, install new fire
suppression system, install monitoring equipment in three
different regulators, revise new engine cooling water and
heat recovery piping system, relocate stainless steel
battery room vent, change location of three plant intercom
units and add one new wall mounted unit, change two branch
circuit breakers and trip element, replace deteriorated
wooden portion of emergency D.C. power battery rack, replace
new septic sludge pump and finally, extend time of contract
completion 300 calendar days from September 9, 1978 to
July 6, 1979,, to obtain and install materials and labor
covered in this Change Order,

in the amount of \$47,025.50, as set out in the specifications, is hereby in all
things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect
from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded
by Stier, and duly adopted, read the second time by title and referred
to the Committee on City Utilities

Date: 5-22-79

Charles W. Westerman/ne
City Clerk

BILL NO. S-79-05-15

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving City Utilities
Purchase Order No. 1079 with Clow
Corporation for equipment for the Water
Maintenance & Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 1079, dated
May 10, 1979, between the City of Fort Wayne, by and through the City Utilities
Purchasing Agent and the Board of Public Works and Clow Corporation, for:

Ductile Iron Pipe for use by the Water Maintenance
& Service Department,

at a cost of \$6,516.00, all as more particularly set forth in said Purchase Order,
which is on file in the Office of the Department of Purchasing and is by
reference incorporated herein and made a part hereof, be and the same is in all
things ratified, confirmed and approved.

SECTION 1 That this Ordinance shall be effective upon passage
and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded
by Stier, and duly adopted, read the second time by title and referred
to the Committee on City Utilities

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

BILL NO. S-79-05-16

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving City Utilities
Purchase Order No. 1069 with Rockwell
International for supplies for the
Water Maintenance & Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 1069, dated
May 3, 1979, between the City of Fort Wayne, by and through the City Utilities
Purchasing Agent and the Board of Public Works and Rockwell International,
for:

Stainless Steel Repair Clamps for meters in stock
and in use by the Water Maintenance & Service
Department,

at a cost of \$3,329.74, all as more particularly set forth in said Purchase
Order, which is on file in the Office of the Department of Purchasing and
is by reference incorporated herein and made a part hereof, be and the same
is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage
and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded
by Stier, and duly adopted, read the second time by title and referred
to the Committee on City Utilities

Date: 5-22-79

Charles W. Westerman/ne
City Clerk

BILL NO. S-79-05-17

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving Water Contract
#7902, between the City of Fort Wayne,
Indiana and Westwood Development, Inc.
for installing water main system

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated April 30, 1979, between
the City of Fort Wayne, Indiana, by and through its Mayor and the Board
of Public Works and Westwood Development, Inc., for:

installing a Water Main System in Westwood Valley,
Sec. I to serve Wood Valley Drive, Bellflower Lane,
Overlook Drive and Autumn Leaf Lane,

under Board of Public Works Water Contract #7902, at a total cost of \$50,018.48,
all as more particularly set forth in said contract which is on file in the Office
of the Board of Public Works and is by reference incorporated herein and made a
part hereof, be and the same is in all things hereby ratified, confirmed and
approved.

SECTION 2. That this Ordinance shall be effective upon passage
and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded
by Stier, and duly adopted, read the second time by title and referred
to the Committee on City Utilities

Date: 5-22-79

Charles W. Westerman/ne
City Clerk

BILL NO. S-79-05-18

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving a contract for
Street Light Resolution No. 136-79,
between the City of Fort Wayne, Indiana,
and T & F Construction Corporation of
Indiana for street lighting for Northwest
Central Phase III

BE IT ORDAINED BY THE COM ION COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated April 23, 1979, between
the City of Fort Wayne, Indiana, by and through its Mayor and the Board of
Public Works, and T & F Construction Corporation of Indiana, Contractor,
for:

installation of ornamental street lighting for
Northwest Central Phase III,

under Board of Public Works Street Light Resolution No. 136-79, at a total
cost of \$33,780.50, all as more particularly set forth in said contract which is
on file in the office of the Board of Public Works and is by reference in-
corporated herein and made a part hereof, be and the same is in all things
hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect
from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded
by Stier, and duly adopted, read the second time by title and referred
to the Committee on City Utilities

Date: 5-22-79

Charles W. Westerman/ne
City Clerk

BILL NO. S-79-05-19

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving blanket City
Utilities Purchase Order Nos. B-1060
to B-1062, inclusive, for Office Supplies
for the Office Services Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the City Utilities Blanket Purchase Orders, numbered and listed below, dated May 1, 1979, between the City Utilities Purchasing Agent and the Board of Public Works and the following companies for the purchase of office supplies for the Office Services Department, all as more particularly set forth in said Purchase Orders, which are on file in the Office of the Department of Purchasing and are by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved, respectively, to wit:

<u>COMPANY</u>	<u>C.U.P.O.#</u>
Business Equipment Company	B-1060
Shrex of Fort Wayne	B-1061
Doubleday Brothers & Company	B-1062

SECTION 2. That this Ordinance shall be effective upon passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on City Utilities

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

BILL NO. S-79-05-20

SPECIAL ORDINANCE NO. S-

AN ORDINANCE approving a contract for
Water Contract No. 79-XP-1, between the
City of Fort Wayne, Indiana and Ground
Service, Inc. for construction of water
main

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That a certain contract, dated April 23, 1979, between
the City of Fort Wayne, Indiana, by and through its Mayor and the Board
Of Public Works and Ground Service, Inc., for:

installation of 365 + feet of 12" water main on Getz
Road across West Jefferson Boulevard,

under Board of Public Works Water Contract No. 79-XP-1, at a total cost of
\$24,425.00, all as more particularly set forth in said contract which is on file
in the Office of the Board of Public Works and is by reference incorporated
herein and made a part hereof, be and the same is in all things hereby
ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage
and approval by the Mayor.

Paul M. Burns
Councilman

Read the first time in full and on motion by Burns, seconded
by Stier, and duly adopted, read the second time by title and referred
to the Committee on City Utilities

Date: 5-22-79

Charles W. Westerman/ne
City Clerk

BILL NO. Z-79-05-07

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. P02

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated
a M2 District under the terms of Chapter 33, Municipal Code of the City of
Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning
Map No. P-2, referred to therein, established by Section 33-11, of said
Chapter are hereby changed accordingly, to wit:

Lots No. 38, 39, 40 and 41 in Whites Second Addition
to the City of Fort Wayne, Indiana.

SECTION 2. That this Ordinance shall be in full force and effect
from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the first time in full and on motion by Nuckols, seconded by
Talarico, and duly adopted, read the second time by title and referred
to the Committee on Regulations and the City Plan Commission for recommendation

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

BILL NO. Z-79-05-08

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 0-31

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a M1 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. 0-31, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Part of the S. 1/2 of the S. 1/2 of th N.E. 1/4,
together with part of the N. 1/2 of S.E. 1/4,
Sec. 36, T. 30 N., R. 12 E., Allen County, Indiana,
containing approximately 6.6. Acres, located south
and contiguous to the Southtown Mall on South
Anthony Blvd.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the first time in full and on motion by Nuckols, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan Commission for recommendation

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

BILL NO. Z-79-05-10

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 0-3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B3B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning

Map No. 0-3, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

The east 32 of Lot #53 and the west 4 feet of
Lot #54 in Colonel Reed's Addition to the City of
Fort Wayne, Allen County, Indiana, more commonly
known as 1424 Creighton Avenue.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the first time in full and on motion by Nuckols, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan Commission for recommendation

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

BILL NO. G-79-05-09

GENERAL ORDINANCE NO. G-

AN ORDINANCE amending General
Ordinance No. G-97 by authorizing
the vacation of a portion of Gay Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain street having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council

of the City of Fort Wayne on November 26, 1963, is amended by deleting the following street, to wit:

Gay Street from the Northerly right-of-way of Wallace Street to the Penn Central Railroad.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the first time in full and on motion by Nuckols, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan Commission for recommendation

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

BILL NO. G-79-05-11

GENERAL ORDINANCE NO. G-

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
a portion of Garfield Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain street having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of ten GENERAL Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of

Fort Wayne on November 26, 1963, is amended by deleting the following street, to wit:

Part of Garfield Street lying West of Lot #26 and Lot #27 in Anthony Boulevard Place Addition, more particularly described as follows:

Commencing at the Northwest corner of Lot #26 in Anthony Boulevard Place Addition said point being the East right-of-way line of Garfield Street; thence Southeasterly along the West line of Lot #26 a distance of 10.1 feet to the point of beginning; thence South and parallel to the East line of Lot #26 and Lot #27 a distance of 82 feet; thence East and parallel to the South line of Lot #27 a distance of 37.5 feet to a point on the West line of Lot #27, which said point is the point of intersection of the South and West lines of Lot #27; thence Northwesterly on and along the West lines of Lot #27 and Lot #26 to the point of beginning.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the first time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan Commission for recommendation

Date: 5-22-79

Charles W. Westerman/ne
City Clerk

BILL NO. G-79-05-12

GENERAL ORDINANCE NO. G-

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of
a portion of Pennsylvania Street

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain street having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following street, to wit:

Part of the Northwest Quarter, Section 8, Township 30
North, Range 13 East, Allen County, Indiana, in
particular described as follows, to wit:

Commencing at the point of intersection of the West line of said Northwest Quarter with the North right-of-way line of the Wabash Railroad (now the Norfolk & Western); thence East, on and along said North line, a distance of 1310.9 feet; thence Northerly, by an interior angle of $89^{\circ}-56'$, a distance of 318.2 feet to a point on the Southerly right-of-way line of said Pennsylvania Street, said point being the true point of beginning; thence continuing Northerly on the last described course, a distance of 50.80 feet to a point on the Northerly right-of-way line of said Pennsylvania Street; thence Northwestwesterly, by a deflection angle left of $79^{\circ}-49'$, on and along said Northerly right-of-way line, a distance of 385.37 feet; thence Southwestwesterly, by a deflection angle left of $100^{\circ}-47'$, a distance of 50.90 feet to a point on the Southerly right-of-way line of said Pennsylvania Street; thence Southeasterly, by a deflection angle left of $79^{\circ}-13'$, on and along said Southerly right-of-way line, a distance of 384.83 feet to the true point of beginning.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the first time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations and the City Plan Commission for recommendation

Date: 5-22-79

Charles W. Westerman/ne
City Clerk

BILL NO. G-79-05-25

GENERAL ORDINANCE NO. G-

AN ORDINANCE AMENDING ARTICLE II,
CHAPTER 13, SECTION 13-19 OF THE CODE
OF THE CITY OF FORT WAYNE, INDIANA OF 1974

BE IT ORDIANED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

Section 1. That Section 13-19 of Article II, Chapter 13 of The Code of the City of Fort Wayne of 1974 be repealed and the following Section 13-19 shall be substituted therefor:

Every applicant for a permit to operate a food service establishment, temporary food service establishment, mobile food service establishment, food market, temporary food market or as a vending operator shall tender to the treasurer of the county a fee and such fee shall be deposited into the city-county health fund for each such operation in accordance with the following schedule of fees

Permit fees shall be paid annually, or for such lesser period or hereafter specified in accordance with the following classifications:

(a) Food service establishments, temporary food service establishments, temporary food markets:

(1)	1 through 5 employees	\$ 55.00
(2)	6 through 9 employees	\$ 85.00
(3)	10 or more employees	\$130.00
(4)	Temporary food service establishments, each day's operation	8.00
(5)	Temporary food market	5.00
(6)	All other food service establishments not otherwise provided for above or hereinafter	50.00

(b) Food market.

Square Footage of Floor Area

(1)	Under 2,000	\$ 45.00
(2)	2,000 to 7,999 square feet	55.00
(3)	8,000 to 9,999 square feet	85.00
(4)	10,000 square feet or over	130.00

(c) Mobile food service establishment

Gross Weight of Mobile Food
Establishment:

(1)	Under 1,000 lbs.	55.00
(2)	Over 1,000 lbs.	85.00

(d) Vending operator

(1)	One to not more than ten food or beverage vending machines, per machine	7.50
(2)	Eleven to not more than twenty five machines	112.50
(3)	Twenty-six to not more than fifty machines	150.00
(4)	Fifty-one to not more than one hundred machines	225.00
(5)	One hundred and one to not more than two hundred machines	300.00
(6)	Two hundred and one but not more than three hundred machines	375.00
(7)	Three hundred and one or more machines	450.00

Section 2. This Ordinance shall be in full force and effect from

and after its passage, approval by the Mayor and legal publication thereof.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Annexation

Date: 5-22-79

Charles W. Westerman
City Clerk

BILL NO. G-79-05-26

GENERAL ORDINANCE NO. G-

AN ORDINANCE AMENDING ARTICLE III
CHAPTER 27, SECTIONS 27-22; 27-23;
27-24; 27-25; 27-26; 27-27; 27-31;
27-32 AND ADDING SECTION 27-33 OF THE
CODE OF THE CITY OF FORT WAYNE OF 1974

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

Section 1. That Sections 27-22, 27-23, 27-24, 27-26, 27-27, 27-31, 27-32 be repealed and the following Section shall be substituted therefor, and that Section 27033 be added as follows:

Section 27-22. Definitions. The following definitions shall apply in the interpretation and enforcement of this Chapter:

- (a) "Swimming Pool" shall mean an artificial pool of water and auxiliary structures including dressing and locker rooms, toilets, showers and other areas and enclosures that are intended for the use of persons using the pool, but shall not include pools and auxiliary structures and equipment at private residences intended only for the use of the owners and friends.
- (b) "Beach" shall mean any natural or artificial waterway or impoundment, or any portion thereof which

is used for swimming or wading purposes, including structures used as dressing rooms, locker rooms, toilets, showers, and other areas and enclosures intended for the use of person using the beach.

- (c) "Health Officer" The Health Officer of the City-County Board of Health or his authorized representative.
- (d) "Person" A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person
- (e) "Board of Health" The City-County Board of Public Health of Allen County, Indiana.

Section 27-23. Authority of health officer.

The health officer is empowered to make rules and regulations to carry out, interpret and make effective the provisions of this article; provided that all such rules and regulations shall be recorded in a permanently bound book kept for such purposes and open to the general public inspection; and provided, that no such regulation or rule shall be effective for a period longer than sixty days unless formally ratified by the city-county board of health.

Section 27-24. Permits - Generally.

Swimming Pool or Beach Permit

(a) Requirement in City

(1) It shall be unlawful for any person to operate a swimming pool or beach in the City of Fort Wayne, Indiana, who does not possess a valid permit from the Health Officer. Such permit shall be posted in a conspicuous place at such swimming pool or beach. Only persons who comply with the applicable requirements of the Article shall be entitled to receive and retain such a permit. The permit shall be for a term of one year beginning with the date of issue and is to be renewed annually on the anniversary date thereof. Any permit issued by the Health Officer shall contain the name and address of the person to whom the

permit is granted, the address of the premises for which the same is issued, and such other pertinent data as may be required by the Health Officer.

(2) A separate permit shall be required for each swimming pool or beach operated or to be operated by any person.

(3) A permit shall be issued on application, after inspection and approval by the Health Officer; provided, that the swimming pool or beach has been constructed under plans approved by the State Health Commissioner and under a permit issued by the City-County Building Department and that its operation complies with this Article.

(4) No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.

(5) Application for such a permit shall be made to the Health Officer on forms provided by the Health Officer for such purpose. Such forms shall, when completed, show the name of the applicant, address, the name under which he or it intends to operate, the address of the establishment, the approval of plans by the State Health Commissioner and the issuance of a construction permit by the City-County Building Department.

(6) Permit Not Transferable: No permit issued under this Chapter to any person shall be transferable.

(b) Permit Fees

(1) Every applicant for a permit under this Article shall pay to the City of Fort Wayne a fee of \$100.00 for each pool and beach open each year for six months or less and a fee of \$175.00 for each pool or beach open for the entire year.

(2) Permit Fee Exemption: The permit fee provisions of this Article shall not apply to swimming pools and beaches operated by religious, educational, and charitable institutions or governmental units.

(3) Two or more swimming pools or beaches located upon the same property and operated by the same person shall be deemed a single pool or beach for permit fee purposes.

Section 27-25. Suspension, Revocation and Reinstatement of Permits:

(a) Suspension of Permit: Any permit issued under this Chapter may be temporarily suspended by the Health Officer without notice or hearing, except as herein provided, for a period of not to exceed 30 days, for any of the following reasons:

(1) Failure to meet any of the standards required by this Chapter:

(2) Violation of any provision or provisions of this Chapter:

(3) Interference with the Health Officer of any of his authorized representatives in performance of their duties: provided, that if such failure, violation or interference is not such that continuation thereof may constitute an immediate danger to public health, forty-eight hours written notice to comply shall first be given; provided that upon written application from the permittee, served upon the Health Officer within 15 days after such suspension, the Health Officer shall conduct a hearing upon the matter after at least 5 days written notice of the time, place and purpose thereof to the suspended permittee; provided that any such suspension order shall be issued by the Health Officer in writing and served upon the permittee or by delivery by Certified Mail to such address.

(b) Revocation of Permit: Any permit issued hereunder may be revoked by the Health Officer for willful or continuous violation of any provision or provisions of this Chapter; provided, however, that no such revocation shall be ordered by the Health Officer except upon hearing and at least 10 days written notice of the time, place and nature thereof. Such notice shall be served upon the permittee by leaving a copy at his usual place of business or by delivery by Certified Mail to such address. At such hearing, every person who is a party to such proceedings shall have the right to submit evidence and to cross-examine witnesses and to be represented by counsel. All such hearings shall be conducted in an informal manner, but irrelevant, immaterial or unduly repetitious

evidence shall be excluded. Upon the conclusion of such hearing, the Health Officer shall make a final order determining the issue in the case, which order shall be final and conclusive upon upon all parties: provided, however, that such order may be reviewed as hereafter provided. Any person aggrieved by such an order of the Health Officer shall be entitled to a review of such order before the Board of Health, by filing a written application therefor with the Secretary of said Board within 15 days after such order is issued. Upon receipt of such application, the Board of Health shall hear the matter de novo for which at least 10 days notice of the time, place and purpose thereof shall be issued by the Secretary of the Board to all persons affected. Such notice may be served upon the persons affected by leaving a copy at their usual place of business or by delivery by Certified United States Mail to such address. At such hearing, the same rules of procedure shall apply as in the case of the hearing before the Health Officer; provided, only, that upon written demand by the permittee affected, the Board of Health shall cause the proceedings before it to be recorded by a stenographer or reporter employed for such purpose, and such proceedings together with all papers and documents filed therein, shall be reproduced by the Board in the form of a transcript, a copy of which shall be available to any party. The expense of such proceedings shall be charged to the party applying for the review, except that copies of transcripts shall be at the expense of the party obtaining such copies. The Board may require the party applying for a review to deposit with such application an amount determined by it as necessary to secure such expense. The Board shall make written findings of the facts in the case and shall enter its final order or determination of the matter in writing in the permanent records of the Board.

- (c) Reinstatement of Permit: Any person whose permit has been suspended at any time may make application for the reinstatement of his permit.

Section 27-26 Sanitation and safety:

- (a) All swimming pools and beaches shall comply with

the accepted and prevailing sanitary and safety requirements. In determining the accepted and prevailing requirements for pools, the Health Officer shall be governed by the regulations of the Indiana State Board of Health H.S.E. 16-R or as the same may be hereafter changed or amended. Such regulations are by reference incorporated herein and made part hereof, two copies of which shall be on file in the office of the City Clerk and the City-County Board of Health for public inspection. The same sanitation standards applicable to the auxiliary facilities of swimming pools, such as dressing rooms, toilets, bathing suits, etc., shall be applied to such auxiliary facilities of beaches.

- (b) Beaches shall not be located in areas subject to pollution by sewage. In determining the accepted and prevailing sanitary standards for beaches, the Sanitary Officer shall be governed by the coliform index as conducted by the methods described in "Standard Methods for the Examination of Water, Sewage and Industrial Wastes" published jointly by American Public Health Association, American Waterworks Association, and Federation of Sewage and Industrial Wastes Association, current edition.
- (c) Whole body contact: The fecal coliform content (either in the MPN or MH count) shall not exceed 200 per 100 ml as a monthly geometric mean based on not less than 5 samples per month; nor exceed 400 per 100 ml in more than 10 percent of all the samples taken during the month. The months of April through October, inclusive, are designated as the recreational season for beaches.

Section 27-27 Inspection.

- (a) Frequency of Inspection: The Health Officer shall inspect swimming pool or beach for which a permit is required under the provision of this Article at least once each month during the season for which the pool is open, and may require tests and reports each week.
- (b) Procedure when violations noted: If during the inspection of any swimming pool or beach, the Health Office discovers the violation of any of the sanitary requirements in Section 27-26 he shall issue a written order listing such violations to the operator, or in his absence, to the person in charge and fixing a time within which the said operator

of said swimming pool or beach shall abate and remedy such violations. A copy of the written order shall be filed in the records of the Health Department.

- (c) Authority to Inspect and to Copy Records: The operator of the swimming pool or beach shall, upon the request of the Health Officer, permit access to all parts of such swimming pool or beach and shall permit copying any or all records relating to the enforcement of this Article.
- (d) Inspection outside of the City: Any person desiring inspection of a pool or beach outside of the City shall pay to the City a fee of \$15.00 for each inspection requested.

Section 27-31 Prosecution of violators:

If upon a second inspection the Health Officer finds that any swimming pool or beach, which was in violation on a previous inspection, and concerning which a written order was issued, is again in violation of any of the provisions of this Article the Health Officer shall furnish evidence of the violation to the City Attorney, who shall prosecute all persons violating said provisions of this Article.

Section 27-32 Penalty:

Any person who violates any provision of this Chapter shall be subject to a penalty of not more than \$300.00 for each offense. Each and every violation of the provisions of this Chapter and each day that the same continues shall constitute a separate offense.

Section 27-33 Severability:

Should any section, paragraph, sentence, clause or phrase of Sections 27-22 to 27-32 be adjudged invalid or unconstitutional for any reason, the remainder of such Sections shall not be affected thereby.

Section 2. This Ordinance shall be in full force and effect after its passage, approval by the Mayor and legal publication thereof.

James S. Stier
Councilman

Read the first time in full and on motion by Stier, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Annexation

Date: 5-22-79

Charles W. Westerman/ne
City Clerk

BILL NO. S-79-04-11

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance of the City of Fort Wayne, Indiana, authorizing the issuance and sale of bonds of the City for the purpose of providing funds to be applied on the cost of improving Baer Field and expenses incurred in connection therewith have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Vivian G. Schmidt
William T. Hinga
James S. Stier
John Nuckols
Donald J. Schmidt

Concurred in 5-22-79

Charles W. Westerman/ne
City Clerk

BILL NO. S-79-04-11

SPECIAL ORDINANCE NO. S-74-79

AN ORDINANCE of the City of Fort Wayne, Indiana, authorizing the issuance and sale of bonds of the City for the purpose of providing funds to be applied on the cost of improving Baer Field and expenses incurred in connection therewith

WHEREAS, by the adoption by the Common Council of an ordinance, the City of Fort Wayne has heretofore created a Department of Aviation under the control of the Board of Aviation Commissioners pursuant to Indiana Code 19-6-1, and

WHEREAS, the Board of Aviation Commissioners of the Department of Aviation of the City of Fort Wayne has found that it would be for the best interests

of said City to provide for improving Baer Field, an airport owned and operated by the City of Fort Wayne, including expansion and improvement of terminal facilities, the purchase and installation of certain equipment, and site improvements to roadways and parking areas at said airport; and has determined that the estimated cost of said project, over and above funds available for such purposes, will be in the approximate amount of Two Million Six Hundred Thousand Dollars (\$2,600,000); and

WHEREAS, the Board of Aviation Commissioners has filed a request for an appropriation in the amount of Two Million Six Hundred Thousand Dollars (\$2,600,000) on account of said project, which request has been approved by the City Controller, with the recommendation that the funds necessary to cover said appropriation be obtained by the issuance and sale of general obligation bonds of the City; and

WHEREAS, a petition has been filed under the provisions of Indiana Code 6-1.1-20-3, by more than fifty (50) owners of taxable real estate in the City of Fort Wayne, requesting the Common Council to issue bonds of the City in an amount not exceeding Two Million Six Hundred Thousand Dollars (\$2,600,000) for the purpose of procuring funds to be applied on the cost of said project, which petition the Council finds to be in due form of law and sufficient under the provisions of said act; and

WHEREAS, the Council now finds that said improvements are necessary will be for the best interests of said City, and will be of general benefit to the entire City and its citizens; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the City of Fort Wayne (hereinafter sometimes referred to as the "City"), by and through its Board of Aviation Commissioners of the Department of Aviation, proceed with the construction of improvements to Baer Field, an airport owned and operated by the City of Fort Wayne (hereinafter sometimes referred to as "Airport"), including the expansion and improvement of terminal facilities, purchase and installation of certain equipment, and site improvements to roadways and parking areas at said airport, in accordance with the plans and specifications which have been or may hereafter be approved by said Board of Aviation Commissioners.

Section 2. For the purpose of providing funds to be applied on said project, including the incidental expenses necessary to be incurred in connection therewith and the issuance of bonds on account thereof, the City shall make a loan in the amount of Two Million Six Hundred Thousand Dollars (\$2,600,000). In order to procure said loan, the City Controller is hereby authorized and directed to have prepared and to issue and sell the negotiable direct obligation bonds of the City, to be designated as "Airport Improvement Bonds of 1979", in the aggregate principal

amount of Two Million Six Hundred Thousand Dollars (\$2,600,000), which bonds shall be issued in the denomination of Five Thousand Dollars (\$5,000), shall be numbered consecutively from 1 upwards, shall be dated as of the first day of the month in which said bonds are sold, and shall bear interest at a rate or rates not exceeding six and one-quarter per cent (6 1/4%) per annum (the exact rate or rates to be determined by bidding), which interest shall be payable on January 1, 1980, and semi-annually thereafter, and shall be evidence by coupons attached to said bonds. Both bonds and interest coupons shall be payable at the Indiana Bank and Trust Company of Fort Wayne, in the City of Fort Wayne, Indiana, in lawful money of the United States of America. The bonds shall mature serially on January 1 in the years and amounts as follows:

<u>Years</u>	<u>Amounts</u>
1982	\$500,000
1983 - 2003 inclusive	100,000

Said bonds shall be executed in the name of the City of Fort Wayne by the facsimile signature of the Mayor of said City, countersigned by the facsimile signature of the City Controller, and attested by the manual signature of the City Clerk, who shall affix the seal of the City to each of said bonds. The interest coupons attached to said bonds shall be executed with the facsimile signature of the City Controller, and said official, by the execution of said bonds in the foregoing manner, shall adopt as and for his own proper signature his facsimile signature appearing on said coupons. Said bonds shall, in the hands of bona fide holders, have all of the qualities of negotiable instruments.

Section 3. The form and tenor of said bonds and the interest coupons to be attached thereto shall be substantially as follows, to-wit:

UNITED STATES OF AMERICA

State of Indiana

County of Allen

No. _____

\$5,000

CITY OF FORT WAYNE AIRPORT IMPROVEMENT BOND OF 1979

The City of Fort Wayne, in Allen County, Indiana, for value received, hereby acknowledges itself indebted and promises to pay to the bearer hereof the principal amount of

FIVE THOUSAND DOLLARS

on the first day of January, 19____, to pay interest thereon from the date hereof until the principal is paid, at the rate of _____ per cent (____%) per annum, payable on the first days of January and July in each year, beginning January 1, 1980,

upon presentation and surrender of the annexed coupons as they severally become due.

Both principal and interest of this bond are payable in lawful money of the United States of America at the Indiana Bank and Trust Company of Fort Wayne, in the City of Fort Wayne, Indiana.

This bond is one of an authorized issue of five hundred twenty (520) bonds of the City of Fort Wayne, of like date, denomination, tenor and effect, except as to rates of interest and dates of maturity, aggregating Two Million Six Hundred Thousand Dollars (\$2,600,000), numbered consecutively from 1 to 520 inclusive, issued for the purpose of providing funds to be applied on the cost of improving Baer Field, an airport owned and operated by the City of Fort Wayne, pursuant to an ordinance adopted by the Common Council of said City on _____, 1979, entitled "An Ordinance of the City of Fort Wayne, Indiana, authorizing the issuance and sale of bonds of the City for the purpose of providing funds to be applied on the cost of improving Baer Field, and expenses incurred in connection therewith", and in accordance with the governing statutes of the State of Indiana, including Indiana Code 19-6-1, and all acts amendatory thereof and supplemental thereto.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as required by law; that this bond and said total issue of bonds is within every limit of indebtedness prescribed by the constitution and laws of the State of Indiana; and that the full faith and credit of the City of Fort Wayne, together with all of its taxable property, both real and personal, are hereby irrevocably pledged to the punctual payment of the principal of and interest on this bond according to its terms.

IN WITNESS WHEREOF, the City of Fort Wayne, in Allen County, State of Indiana, be ordinance of its Common Council, has caused this bond to be executed in its corporate name by the facsimile signature of its Mayor, countersigned by the facsimile signature of its City Controller, its corporate seal to be hereunto affixed and attested by its City Clerk, and the interest coupons hereto attached to be executed by placing thereon the facsimile signature of said City Controller, as of the first day of _____, 1979.

CITY OF FORT WAYNE

By _____ (facsimile)
Mayor

Countersigned:

City Controller (facsimile)

Attest:

City Clerk

(Interest Coupon)

Coupon No. _____ \$ _____

On _____ 1, 19 _____,

the City of Fort Wayne, Indiana, will pay to bearer at the Indiana Bank and Trust Company of Fort Wayne, in said City, the amount shown hereon, in lawful money of the United States of America, being the interest then due on its Airport Improvement Bond of 1979, dated _____ 1, 1979, No. _____.

CITY OF FORT WAYNE

By _____ (facsimile)
City Controller

Section 4. As soon as may be done after the passage of this ordinance, the City Clerk shall give notice of the filing of the petition for and determination to issue bonds. Said notice shall be published once each week for two (2) weeks in the Fort Wayne News-Sentinel and the Fort Wayne Journal Gazette, and said notice shall also be posted in three (3) public places in the City, as provided by Indiana Code 6-1.1-20-4 and 6-1.1-20-5.

Said bonds shall not be advertised for sale prior to the expiration of the period during which taxpayers may file remonstrances or objecting petitions to the issuance of said bonds. In the event a remonstrance shall be filed by the owners of taxable real estate under the provisions of Indiana Code 6-1.1-20-4, then no further steps towards the issuance of said bonds shall be taken unless and until the Common Council shall have determined that such remonstrance is insufficient. In the event an objecting petition or petitions are filed by taxpayers under the provisions of Indiana Code 6-1.1-20-5, then no further steps towards the issuance of said bonds shall be taken unless and until the State Board of Tax Commissioners shall issue its order approving the issuance of said bonds. In the event it shall be determined by the State Board of Tax Commissioners, or otherwise, that the whole amount of the bonds herein authorized shall not be issued, then the City Controller shall be authorized to advertise and sell a lesser amount of bonds, and the bonds not issued and sold shall be the bonds of the longest maturity or maturities.

Section 5. Prior to the sale of said bonds the City Controller shall cause to be published a notice of such sale once each week for two (2) weeks in the Fort Wayne News-Sentinel and the Fort Wayne Journal Gazette, and one time

in The Indianapolis Commercial. The date fixed for the sale shall be not earlier than seven (7) days after the last of said publications. Said bond sale notice shall state the time and place of sale, the purpose for which the bonds are being issued, the total amount thereof, the maximum rate of interest thereon, the time and place of payment, the terms and conditions on which bids will be received and the sale made, and such other information as the City Controller shall deem necessary.

All bids for said bonds shall be sealed and shall be presented to the City Controller at his office at the time and date fixed in the bond sale notice, at which time and place he shall open and consider said bids. Bidders for said bonds shall be required to name the rate or rates of interest which the bonds are to bear, not exceeding the rate hereinbefore named. Such interest rate or rates shall be in multiples of one-eighth ($1/8$) or one-tenth ($1/10$) of one per cent (1%), and not more than five (5) different interest rates shall be named by each bidder. All bonds maturing on the same date shall bear the same single rate of interest, and the interest due on any bond on any interest payment date shall be represented by a single interest coupon. The controller shall award the bonds to the highest responsible and qualified bidder. The highest bidder shall be the one who offers the lowest net interest cost to the City, to be determined by computing the total interest on all of the bonds to their maturities and deducting therefrom the premium bid, if any. No bid for less than the par value of said bonds, including accrued interest at the rate or rates named to the date of delivery, shall be considered. The Controller shall have full right to reject any and all bids. In the event no acceptable bid is received at the time fixed in said notice for the sale of said bonds, the Controller shall be authorized to continue to receive bids from day to day thereafter for a period of not to exceed thirty (30) days, without readvertising, but during such continuation no bid shall be accepted which is lower than the highest bid received at the time fixed for such sale in the bond sale notice.

Prior to the delivery of said bonds the City Controller shall be authorized to obtain a legal opinion as to the validity of said bonds from Ice Miller Donadio & Ryan, bond counsel of Indianapolis, and to furnish such opinion to the purchaser of said bonds. The cost of said opinion shall be considered a part of the cost of said project, and shall be paid out of the proceeds of said bonds.

Section 6. The City Controller is hereby authorized and directed to have said bonds and coupons prepared, and the Mayor, City Controller and City Clerk are hereby authorized and directed to execute said bonds and the interest coupons to be attached thereto in the form and manner herein provided. After said bonds shall have been properly executed, and upon consummation of the sale of said bonds, the City Controller shall be authorized to receive from the purchaser the amount so certified by the Controller and to deliver the bonds to such purchaser.

Section 7. This ordinance shall be in full force and effect immediately upon its passage and signing by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special ORdinance No. S-74-79 on the 22nd day of May, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-04-13

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance approving an Agreement to Purchase by JESSIE KIDD have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Vivian G. Schmidt
William T. Hinga
James S. Stier
Donald J. Schmidt

Concurred in 5-22-79 Charles W. Westerman /ne
City Clerk

BILL NO. S-79-04-13

SPECIAL ORDINANCE NO. S-75-79

AN ORDINANCE approving an Agreement to
to Purchase by Jessie Kidd

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the Agreement to Purchase dated April 9, 1979, between
the City of Fort Wayne, by and through its Mayor and the Board of Public Works,
and Jessie Kidd for:

W 1/2 Lot 266, Lewis Addition to City of Fort Wayne,
Allen County, Indiana,

for a gain to the City of \$125.00, all as more particularly set forth in said contract
which is on file in the Office of the Board of Public Works and is by reference
incorporated herein, made a part hereof and is hereby in all things ratified,
confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and
after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by
Hinga and duly adopted, placed on its passage. Passed by the following
vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-75-79 on the 22nd day of May, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk /ne Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-04-14

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance approving Civil City Purchase Order No. 4-06184 with Morton Salt Company for Salt for the Street Department have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Vivian G. Schmidt
William T. Hinga
James S. Stier
Donald J. Schmidt

Concurred in 5-22-79 Charles W. Westerman /ne
City Clerk

BILL NO. S-79-04-14

SPECIAL ORDINANCE NO. S-76-79

AN ORDINANCE approving Civil City
Purchase Order No. 4-06184 with Morton
Salt Company for Salt for the Street Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That Civil City Purchase Order No. 4-06184, dated April 16, 1979, between the City of Fort Wayne, by and through the City Purchasing Director and the Board of Public Works and Morton Salt Company, for the purchase of approximately 9,000 Tons of Type I Bulk Rock Salt at a cost of \$22.90 Per Ton, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special ORdinance No. S-76-79 on the 22nd day of May, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

SUSPENSION OF RULES

Bill No. S-79-05-21

Councilwoman V. Schmidt, moved to suspend the rules on passage of Bill No. S-79-05-21, at this meeting of May 22, 1979, of the Common Council of the City of Fort Wayne, Indiana. Said motion was seconded by Councilman Hinga, and duly passed by unanimous vote of all legally elected members of the said Common Council.

The above Bill and Special Ordinance was accordingly placed on its passage.

Date: 5-22-79

Charles W. Westerman/ne
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt,
Stier, Talarico

Nays: None

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-77-79

ATTEST:

(SEAL)

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

BILL NO. S-79-05-21

SPECIAL ORDINANCE NO. S-77-79

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$5,375,000 REVENUE OBLIGATIONS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF MAKING A LOAN TO ST. JOSEPH MEDICAL BUILDING ASSOCIATES IN ORDER TO FINANCE THE ACQUISITION AND CONSTRUCTION OF CERTAIN ECONOMIC DEVELOPMENT FACILITIES: AND AUTHORIZING EXECUTION OF A LOAN AGREEMENT, INDENTURE OF TRUST AND OTHER DOCUMENTS IN CONNECTION THEREWITH

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

Section 1. Preliminary Statement. The following recitals establish the background for the financing authorized hereby:

(a) The City of Fort Wayne, Indiana, (hereinafter called the "City" by virtue of Indiana Code 18-6-4.5, as amended (the "Act"), is authorized and empowered to make direct loans to "developers" or users" for the acquisition and construction of "economic development facilities" as those words are defined in the Act to overcome insufficient employment opportunities and insufficient diversification of business, commerce and industry in and near the City and to promote the general economic welfare of the area in and near the City and to issue its economic development revenue bonds to obtain funds to make such loan for payment of costs of acquisition or construction of such economic development facilities, including engineering, legal fees and all other expenses related thereto during construction, including the costs of issuing the bonds and to secure said bonds pursuant to a trust indenture by the pledge of one or more notes of the developer or user; and

(b) St. Joseph Medical Building Associates (the "Partnership") is a limited partnership organized pursuant to the Indiana Uniform Limited Partnership Act having as its general partners Raymond H. Riddle of Oklahoma City, Oklahoma, and S. J. Management, Ltd., an Indiana limited partnership; and

(c) The Partnership has agreed to acquire and construct a medical office building and parking facilities on a parcel of land in the City adjacent to and leased from St. Joseph's Hospital of Fort Wayne, Inc. and thereby create new employment opportunities and provide diversification of business commerce and industry in and near the City, and make payments on its note or notes

evidencing its loan obligations in an amount or amounts sufficient to pay the principal of and interest and premium, if any, on the economic development revenue bonds hereinafter authorized; and

(d) The Fort Wayne Economic Development Commission (the "Commission"), functioning and operating under the Act, has found by written resolution that because of insufficient employment opportunities and insufficient diversification of business, commerce and industry, the economic welfare of the City would be benefited by financing the acquisition and construction of economic development facilities for the Partnership; and

(e) The Commission has by resolution approved a report estimating the public services which would be made necessary or desirable, the expense thereof, the number of jobs, the estimated payroll on account of the acquisition and construction of the economic development facilities and the cost of the economic development facilities and has submitted such report to the plan commission having jurisdiction over such facilities; and

(f) After giving notice in accordance with the Act, the Commission held a public hearing on the proposed financing and adopted a resolution finding the proposed financing benefits the economic welfare of the City and complies with the purposes and provisions of the Act and approving the financing and the proposed form and terms of the economic development revenue bonds, loan agreement and indenture of trust, which resolution and other instruments and information pertaining to the proposed financing have been transmitted to the Common Council of the City by the Commission;

Section 2. Public Benefits. The Common Council of the City hereby finds and determines that the medical office building and parking facilities (the "Project") as described in Exhibit A to the Loan Agreement dated as of June 1, 1979 (the "Loan Agreement") between the City and the Partnership to be acquired and constructed with the proceeds of \$5,375,000 principal amount Economic Development Revenue Bonds, Series A (St. Joseph Medical Building Associates Project) (the "Series A Bonds") herein authorized are "economic development facilities" as defined in the Act and that acquisition and construction of the Project will increase employment opportunities and increase diversification of business, commerce and industry in the City, will improve and promote the economic stability, development, health and welfare of the area in the City and will encourage and promote the expansion of industry, trade and commerce in the City and the location of other new commercial and business facilities in such area.

Section 3. Findings. The Common Council hereby finds that this ordinance (the "Bond Ordinance") complies with the purposes and provisions of the Act and is of public benefit to the health and welfare of the City by tending to overcome the deficiencies previously found to exist, to-wit: insufficient employment opportunities and insufficient diversification of business, commerce and industry.

Section 4. Authorization of \$5,375,000 Series A Bonds. In order to obtain funds to loan to the Partnership to finance costs of acquiring and constructing the Project, including interest on the Series A Bonds during the anticipated construction period and creation of a reasonably required reserve, there are hereby authorized to be issued, sold and delivered \$5,375,000 aggregate principal amount of Series A Bonds. It is hereby recognized that pursuant to the terms of the Loan Agreement any balance of the cost of the Project will be paid for by the Partnership unless paid for out of the proceeds of additional parity bonds (the "Additional Bonds") as identified in the Indenture of Trust dated as of June 1, 1979, (the "Indenture") between the City and Peoples Trust Bank, Fort Wayne, Indiana, as Trustee (the "trustee").

Section 5. Terms for the Series A Bonds. The total principal amount of Series A Bonds that may be issued is hereby expressly limited to \$5,375,000, provide however, that Additional Bonds may be issued as provided in the Indenture.

The Series A Bonds shall bear interest until paid at the respective rates per annum set forth below payable on June 1 and December 1 of each year and shall mature on June 1 of each of the years set forth in and in the principal amount set opposite each year, as follows:

<u>YEAR</u>	<u>PRINCIPAL AMOUNT</u>	<u>RATE</u>	<u>YEAR</u>	<u>PRINCIPAL AMOUNT</u>	<u>RATE</u>
1981	\$130,000	6-1/4%	1989	\$220,000	7-1/4%
1982	140,000	6-3/8%	1990	235,000	7-3/8%
1983	145,000	6-1/2%	1991	250,000	7-1/2%
1984	155,000	6-5/8%	1992	270,000	7-5/8%
1985	165,000	6-3/4%	1993	290,000	7-3/4%
1986	180,000	6-7/8%	1994	315,000	7-7/8%
1987	190,000	7%	2000	2,485,000	8-1/4%
1988	205,000	7-1/8%			

The Series A Bonds shall be in such form, shall be in such denominations, shall be payable in such medium of payment and at such place or places, shall be subject to redemption at the times and under the conditions, shall be executed in such manner and shall contain such other terms and provisions as are provided for in the Indenture.

The Series A Bonds are limited obligations of the City payable solely from payments of principal, premium, if any, and interest made by the Partnership pursuant to the Loan Agreement and the Series A Note in the form attached to the Loan Agreement, except to the extent that the principal of, premium, if any, and interest on the Series A Bonds may be paid out of money attributable to Series A Bond proceeds or from temporary investments, or

from other moneys if any, accruing to the Trustee for the benefit of the bondholders.

By the Indenture, the City will assign and pledge to the Trustee the City's rights under the Loan Agreement, including the right of the City to receive payments under the Series A Note, all as security for the payment of the Series A Bonds.

The Series A Note and the assignment and pledge to the Trustee will constitute the sole security given by the City for the Series A Bonds. The Series A Bonds and the interest thereon shall be a valid claim of the respective holders only against the Bond Fund created under the Indenture and other moneys held by the Trustee. The City will have no ownership interest in the Project, and the Series A Bonds will not be secured by any mortgage or other security interest in the Project or in any other property of the Partnership, provided, however, the Loan Agreement and Series A Note shall be secured by a mortgage on the Project from the Partnership to the Trustee as provided in the Loan Agreement.

The Series A Bonds do not and shall never constitute an indebtedness of, or a charge against the general credit or taxing power of the City.

Section 6. Additional Bonds. The City may authorize the issuance of Additional Bonds upon the terms and conditions provided in the Indenture and the Loan Agreement.

Section 7. Sale of the Series A Bonds. The Mayor, City Controller and City Clerk of the City are hereby authorized and directed to deliver the Series A Bonds at a price of 95-1/2% of par plus accrued interest to the date of delivery and payment therefor to Traub and Company, Inc., Indianapolis, Indiana, who in turn will resell the Series A Bonds to a limited number of institutional purchasers who will furnish investment letters in the form approved by Traub and Company, Inc. The proceeds of sale shall be deposited with the Trustee pursuant to the Indenture.

Section 8. Indenture. In order to secure the payment of the principal of and interest on the Series A Bonds, the Mayor and City Clerk shall execute, acknowledge and deliver in the name and on behalf of the City, the Indenture in substantially the form submitted to the Common Council which is hereby approved in all respects.

Section 9. Loan Agreement. In order to provide for the loan of the proceeds of the Series A Bonds to the Partnership to provide for acquisition and construction of the Project and the payment by the Partnership of amounts sufficient to pay the principal of, premium, if any, and interest on the Series A Bonds, the Mayor and City Clerk shall execute, acknowledge

and deliver in the name and on behalf of the City the Loan Agreement in substantially the form submitted to this Common Council, which is hereby approved in all respects.

Section 10. Acceptance of Series A Note. The City accepts as security for the Series A Bonds the Series A Note of the Partnership. The Series A Note shall be in substantially the form attached to the Loan Agreement and shall be secured by a mortgage on the Project from the Partnership to the Trustee in substantially the form also attached to the Loan Agreement, but the Series A Note shall not constitute an obligation of any limited or general partner of the Partnership.

Section 11. Approval of Leases. The City recognizes that the Partnership is a developer as defined in the Act and will be leasing space in the Project to doctors and other health care users, which leasing is hereby approved.

Section 12. Election. The City elects to have the provisions of Section 103 (b) (6) (D) of the Internal Revenue Code apply to the Series A Bond and the Mayor or City Clerk is authorized and directed to make such election prior to the issuance and delivery of the Series A Bonds in accordance with the applicable regulations or procedures of the Internal Revenue Code.

Section 13. General The Mayor, City Controller and City Clerk be and they are each hereby authorized and directed, in the name of and on behalf of the City to execute any and all instruments, perform any and all acts, approve any and all matters, and do any and all things deemed by them, or any of them, to be necessary or desirable in order to carry out the purposes of this Bond Ordinance (including the preambles hereto), the acquisition and construction of the Project by the Partnership, the issuance, sale and delivery of the Series A Bonds, and the securing of the Series A Bonds under the Indenture.

Section 14. Effective Date. This Bond Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

This ordinance was adopted by the Common Council of the City of Fort Wayne, Indiana, on the 22nd day of May, 1979.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt,
Stier, Talarico

Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-77-79 on the 22nd day of May, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk/ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

SUSPENSION OF RULES

BILL NO. S-79-05-22

Councilwoman V. Schmidt, moved to suspend the rules on passage of Bill No. S-79-05-22, at this meeting of May 22, 1979, of the Common Council of the City of Fort Wayne, Indiana. Said motion was seconded by Councilman Hinga, and duly passed by unanimous vote of all legally elected members of said Common Council.

The above Bill and Special Ordinance was accordingly placed on its passage.

DATE: 5-22-79

Charles W. Westerman/ne
City Clerk

Winfield C. Moses, Jr.
Presiding Officer

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt,
Stier, Talarico
Nays: None

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana,
as Special Ordinance No. S-78-79

ATTEST: (SEAL)

Date: 5-22-79 Charles W. Westerman /ne
City Clerk

BILL NO. S-79-05-22

SPECIAL ORDINANCE NO. S-78-79

AN ORDINANCE AUTHORIZING THE CITY OF
FORT WAYNE TO ISSUE ITS "ECONOMIC
DEVELOPMENT FIRST MORTGAGE REVENUE
BONDS, SERIES 1979 (GAST REALTY CORPORATION)"
AND APPROVING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report for the Gast Realty Corporation project regarding the financing of proposed economic development facilities for Gast Realty Corporation and the Fort Wayne Planning Commission has commented favorably thereon; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on May 21, 1979, and also adopted a resolution on May 21, 1979, which Resolution has been transmitted hereto, finding that the financing of certain economic development facilities of Gast Realty Corporation complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the Loan Agreement, Note, Mortgage and Indenture of Trust; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA THAT:

Section 1. It is hereby found that the financing of the economic development facilities referred to in the Loan Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council; the issuance and sale of revenue bonds, the use of the proceeds of the revenue bonds for the acquisition and construction of such facilities; the lease of said facilities by Gast Realty Corporation to Janitor Supply Co., Inc., the payment of the revenue bonds by the rent payments, the guarantee of the payment of the principal and interest on the revenue bonds by Kenneth Gast, Mary Jayne Gast and James Gast, and the securing of said bonds by the mortgaging of such facilities to the Trustee under the Mortgage and Indenture of Trust, complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of the Lease Agreement, Guaranty Agreement, Loan Agreement, Note, Mortgage and Indenture of Trust approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents (herein collectively referred to as the "Financing Agreement" referred to in I.C. 18-6-4.5), shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

Section 3. The City of Fort Wayne shall issue its Economic Development First Mortgage Revenue Bonds, Series 1979 (Gast Realty Corporation Project), in the total principal amount of Four Hundred and Seventy-Five Thousand Dollars (\$475,000.00) for the purpose of procuring funds to pay the costs of acquisition, construction and equipping of the economic development facilities as more particularly set out in the Mortgage and Indenture of Trust and Loan Agreement incorporated herein by reference, which bonds will be payable as to principal, premium, if any, and interest from the rent payments made by Gast Realty Corporation under the Loan Agreement and from other revenues and income assigned under the Loan Agreement and Note or as otherwise provided in the above described Mortgage and Indenture of Trust. The Bonds shall never constitute a general obligation of, an indebtedness of, or a charge against the general credit of the City of Fort Wayne.

Section 4. The Mayor, Clerk, and Controller are authorized and directed to sell such bonds to the purchasers thereof at a rate of interest on the bonds not to exceed 8 1/2% per annum and at a price not less than 100% of the principal amount thereof.

Section 5. The Mayor and Clerk are authorized and directed to execute the documents constituting the Financing Agreement approved herein on behalf of the City and any other document which may be necessary or desirable to consummate the transaction, including the bonds authorized herein. The

signatures of the Mayor and Clerk on the bonds may be facsimile signatures. The Clerk is authorized to arrange for delivery of such Bonds to the Trustee named in the Mortgage and Indenture of Trust, payment for which will be made to the Trustee named in the Mortgage and Indenture of Trust and delivered by the Trustee to the purchasers thereof.

Section 6. The provisions of this Ordinance and the Mortgage and Indenture of Trust securing the bonds shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development First Mortgage Revenue Bonds, Series 1979 (Gast Realty Corporation Project), and after the issuance of said bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holders so long as any of said bonds or the interest thereon remains unpaid.

Section 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

Passed and adopted this 22nd day of May, 1979.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-78-79 on the 22nd day of May, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk /ne Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

1

BILL NO. R-79-05-06

RESOLUTION NO. R-19-79

A RESOLUTION authorizing payment to
Allen County Motors for repair of vehicle

WHEREAS, (1) the following City vehicle was damaged in an accident, and (2) insurance money in reimbursement for such damage has been received and receipted by the City Controller in the amount hereafter listed, and (3) repair bid received from the following company in the amount of such insurance damage payment as hereafter set out, to wit:

<u>Vehicle</u>	<u>Insurance Payment</u>	<u>Repair Agency</u>
Police Dept. unit No. 18, 1976 Ford, 4 door sedan License Plate #M011118	\$372.04	Allen County Motors

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the City Controller is hereby authorized to pay the above amount to the above named agency, for vehicle repair work as set out above.

SECTION 2. That this Resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Stier, and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-19-79 on the 22nd day of May, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /neWinfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-05-23

RESOLUTION NO. R-20-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$325,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the applicant to proceed with the acquisition, construction and equipping of the Project.

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing to be used for the acquisition, construction and equipping of said facilities either directly or by loan to company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Safety Equipment and Supply Company, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant for such purposes said economic development facility to be a 13,000 square foot metal-type building with 3,000 sq. ft. in office quarters and 10,000 sq. ft. in warehouse area., including the real estate on which it is located and to be located at 5004 Distribution Drive in Merchandise Park, Fort Wayne, Indiana, (the "Project"); and

WHEREAS, the diversification of economic development and increase in 14 job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, Edward L. Neuffer and Barbara Neuffer will guarantee all bond payments, if necessary; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$325,000.00 of the Issuer under the Act for the

acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes. Adopted this 22nd day of May, 1979.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier

Nays: None

Date: 5-22-79

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-20-79 on the 22nd day of May, 1979.

ATTEST:

(SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk /ne Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-05-24

RESOLUTION NO. R-21-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$6,500,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Thomas Jehl and Joseph Zehr (the "Applicant") has

advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant for such purpose said economic development facility to be a 175,000 square foot shopping center, including the real estate on which it is located and to be located at the southwest corner of Maplecrest and Rothman Roads, Fort Wayne, Indiana, on an approximate 17 acre tract of land (the "Project"); and

WHEREAS, the diversification of economic development and increase in job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, Thomas Jehl and Joseph Zehr will guarantee all bond payments, if necessary; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$6,500,000 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such

a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes. Adopted this 22nd day of May, 1979.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine
Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,

Indiana as Resolution No. R-21-79 on the 22nd day of May, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. R-79-05-27

RESOLUTION NO. R-22-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$700,000 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the applicant to proceed with the acquisition, construction and equipping of the Project

WHEREAS, the City of Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Keystone Distribution Park, an Indiana general partnership, (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the

Applicant for such purposes said economic development facility to be a 30,000 square foot (on foundation) mutiple purpose building, being one discrete unit, including the real estate on which it is located, for the general warehousing and light industrial and commercial uses to be located in the 5400 block of Keystone Drive in Fort Wayne, Indiana, on an approximate two acre tract of land (the "Project"); and

WHEREAS, the said Keystone Distribution Park, an Indiana general partnership will guarantee all bond payments, if necessary; and

WHEREAS, The diversification of economic development and an increase in 20 or more job opportunities to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about Fort Wayne, Indiana;

NOW, THEREFORE, BE IT RESOLVED by the Common Council of Fort Wayne:

1. The Common Council finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near the 5400 block of Keystone Drive in Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer

2. The Common Council further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount of approximately \$700,000.00 of the Issuer under the Act for the

acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolution and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes. Adopted this 22nd day of May, 1979.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Resolution No. R-22-79 on the 22nd day of May, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /neWinfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. Z-79-03-18

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. L-2 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

John Nuckols
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier
William T. Hinga

Concurred in 5-22-79

Charles W. Westerman/ne
City Clerk

BILL NO. Z-79-03-18

ZONING MAP ORDINANCE NO. Z-16-79

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. L-2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a
B-3B District under the terms of Chapter 33, Municipal Code of the City of Fort
Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No.
L-2, referred to therein, established by Section 33-11, of said Chapter are hereby
changed accordingly, to wit:

The west half of lot numbered 54 in Bond's Third
addition to the City of Fort Wayne, except the
South 74 feet thereof and the south 74 feet of
the west half of lot numbered 54 in Bonds Third
Addition to the City of Fort Wayne, according to
the recorded plat thereof, a/k/a 1417 Martin
Street. ALSO, the east half of lot numbered 54
in Bond's Third Addition to the City of Fort
Wayne, according to the recorded plat thereof.

SECTION 2. That this Ordinance shall be in full force and effect
from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Nuckols, seconded by
Hinga and duly adopted, placed on its passage. Passed by the following
vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-16-79 on the 22nd day of May, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk /ne Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. Z-79-03-21

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. M-38 and Repealing Zoning Map Ordinance No. Z-15-79 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

John Nuckols
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier
William T. Hinga

Concurred in 5-22-79 Charles W. Westerman/ne
City Clerk

BILL NO. Z-79-03-21

ZONING MAP ORDINANCE NO. Z-17-79

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. M-38 and Repealing Zoning Map
Ordinance No. Z-15-78.

WHEREAS, there appears to be a scrivener's error in the legal description in Zoning Map Ordinance No. Z-15-78 which should be corrected.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Zoning Map Ordinance No. Z-15-78 amending Zoning Map No. M-38 is hereby repealed.

SECTION 2. That the area described as follows is hereby designated a B-1-B District, under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. M-38, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Part of the East Half of the Southeast Quarter of Section 14, Township 31 North, Range 12 East in Allen County, Indiana, more particularly described as follows:

Beginning at a point on the South line of the East Half of the Southeast Quarter of Section 14, Township 31 North, Range 12 East, said point being 715 feet West of the Southeast corner of the East Half of the Southeast Quarter of Section 14-31-12; thence North and parallel to the East line of the East Half of the Southeast Quarter of Section 14-31-12 a distance of 290 feet; thence West and parallel to the South line of the East Half of the Southeast Quarter of Section 14-31-12 a distance of 257.7 feet; thence South 290 feet to a point on the South line of the East Half of the Southeast Quarter of Section 14-31-12, said point being 972.5 feet West of the Southeast corner of the East Half of the Southeast Quarter of Section 14-31-12; thence East along the South line of the East Half of the Southeast Quarter of Section 14-31-12 a distance of 257.6 feet to the point of beginning, containing 1.714 acres and being subject to all legal roads and highways.

SECTION 3. That this Ordinance shall be effective upon passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map ORDinance No. Z-17-79 on the 22nd day of May, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk /ne Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. Z-78-03-22

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. G2

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

John Nuckols
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier

Concurred in 5-22-79 Charles W. Westerman/ne
City Clerk

BILL NO. Z-78-03-22

ZONING MAP ORDINANCE NO. Z-18-79

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. G2

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B3B District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. G2, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

Part of Lagro Reserve in Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Commencing at the point of intersection of the East line of Lot #27 in Edsall's Subdivision in said Lagro Reserve with the Northerly right-of-way line of U.S. Highway #24 as it presently exists; thence Northerly, on and along the East line of said Lot #27, a distance of 395.4 feet to the Northeast corner of said Lot #27; thence Northerly, by a deflection angle right of $03^{\circ} - 42'$, on and along the East line of Lot #26 in said Edsall's Subdivision, a distance of 310.7 feet to the true point of beginning; thence continuing Northerly on and along the East line of said Lot #26 and the East line of Lot #23 in said Edsall's Subdivision, a distance of 243.9 feet; thence Easterly by an interior angle of $92^{\circ} - 03'$, a distance 459.93 feet; thence Southwesterly, by an interior angle of $36^{\circ} - 47'$ and

parallel to the Northerly right-of-way line of U.S. Highway #24, a distance of 248.65 feet; thence South-easterly, by a deflection angle left of $90^{\circ} - 00'$, a distance of 81.63 feet; thence Southwesterly, by an interior angle of $90^{\circ} - 00'$ and parallel to said Northerly right-of-way line, a distance of 190.0 feet to the Northeasterly line of a certain 1.231 acre tract; thence Northwesterly, by an interior angle of $90^{\circ} - 00'$, on and along the Northeasterly line of said 1.231 acre tract, a distance of 100.5 feet to the Northeasterly corner thereof; thence Westerly, by a deflection angle left of $51^{\circ} - 10'$, on and along the Northerly line of said 1.231 acre tract, a distance of 106.1 feet to the true point of beginning, containing 2.055 acres of land.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Zoning Map Ordinance No. Z-18-79 on the 22nd day of May, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk /ne Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. Z-79-03-19

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. J-26 have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance BE WITHDRAWN

John Nuckols
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier
William T. Hinga

Concurred in 5-22-79 Charles W. Westerman /ne
City Clerk

BILL NO. G-79-03-17

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending General ORdinance No. G-97 by authorizing the vacation of a certain alley have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

John Nuckols
Samuel J. Talarico
Vivian G. Schmidt
James S. Stier
William T. Hinga

Concurred in 5-22-79 Charles W. Westerman /ne
City Clerk

BILL NO. G-79-03-17

GENERAL ORDINANCE NO. G-11-79

AN ORDINANCE amending General Ordinance
No. G-97 by authorizing the vacation of a
certain alley

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. Petition for the vacation of a certain alley having been filed with the Fort Wayne City Plan Commission in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (I.C. 18-7-5-46), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following alley, to wit:

Running East and West between Catalpa Street on the West and Bright Street on the East, and on the North by the South line of lots 448 through 455 of Third Commerical Addition to the City of Fort Wayne, and on the South by the North line of lots 426 through 433 of Third Commercial Addition to the City of Fort Wayne according to the recorded plat thereof and hereinafter referred to as the alley.

SECTION 2. After passage of this Ordinance, approval by the Mayor and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Nuckols
Councilman

Read the third time in full and on motion by Nuckols, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, STier, Talarico

Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-11-79 on the 22nd day of May, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk /ne Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-04-19

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving an Agreement with Westwood Development, Inc., for construction of a sanitary sewer have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt
James S. Stier

Concurred in 5-22-79 Charles W. Westerman
City Clerk

BILL NO. S-79-04-19

SPECIAL ORDINANCE NO. S-79-79

AN ORDINANCE approving an Agreement with
Westwood Development, Inc., for construction
of a sanitary sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the Agreement dated April 9, 1979, between the
City of Fort Wayne, by and through its Mayor and the Board of Public Works and
Westwood Development, Inc., Developer, for:

SANITARY SEWER

LINE A

Beginning at a proposed pump station located in the
northeast corner, Lot 15 of Westwood Valley, Section
1; thence southwesterly generally following the north
property line of Lots 15 through 29 inclusive, one
thousand fifteen + lineal feet terminating at a
proposed manhole located 5 + lineal feet east of the
northwest corner of Lot 30 of Said Addition;

LINE B

Beginning at a proposed sanitary sewer manhole located
1 + lineal feet west of and 5 + lineal feet south of the
northwest corner of Lot 20 of Said Addition, then south-
easterly 290 + lineal feet to a proposed manhole located
on the northeast corner of Lot 45 of Said Addition, then
southwesterly in and along an easement to the rear of
Lots 42 through 45 and 31 through 35 inclusive , 800 +
lineal feet terminating at a proposed manhole;

LINE C

Beginning at a proposed pump station located near the
northeast corner of Lot 15 thence southerly in an easement
to the rear of Lots 7 through 14 inclusive , 1160 + lineal
feet terminating at a proposed clean-out located 5 + lineal
feet south of and 5 + lineal feet west of the northeast
corner of Lot 6 of Said Addition;

LINE D

Beginning at a proposed manhole located 1 + lineal feet north of and 5 + lineal feet west of the southeast corner of Lot 8 of Said Addition, thence westerly 310 + lineal feet to a proposed manhole located on the common property corners of Lots 49 and 56 of Said Addition, thence northerly 195 + lineal feet to proposed manhole located 1 + lineal feet east of and 5 + lineal feet north of the southeast corner of Lot 52 of Said Addition;

of which the developer shall pay the entire cost and expense of the construction of said sewer, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein, made a part hereof and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-79-79 on the 22nd day of May, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-04-20

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving Sewer Contract No. 305-78, between the City of Fort Wayne, Indiana and Land Excavating, Inc., Contractor, for Southtown Mall Lift Station Elimination have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt
James S. Stier

Concurred in 5-22-79 Charles W. Westerman /ne
City Clerk

BILL NO. S-79-04-20

SPECIAL ORDINANCE NO. S-80-79

AN ORDINANCE approving Sewer Contract
No. 305-78, between the City of Fort
Wayne, Indiana and Land Excavating, Inc.,
Contractor, for Southtown Mall Lift Station
Elimination

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That a certain contract, dated April 4, 1979, between the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, and Land Excavating, Inc., Contractor, for:

installation of a sanitary sewer in the area of Hanna Street, Tillman Road and in Tillman Park. Said installation of sewer to result in Southtown Mall Lift Station elimination,

under Board of Public Works Sewer Contract No. 305-78, at a total cost of \$163,852.50, all as more particularly set forth in said contract which is on file in the office of the Board of Public Works and is by reference incorporated herein and made a part hereof, be and the same is in all things hereby ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-80-79 on the 22nd day of May, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk /ne Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-04-21

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving an Agreement between City of Fort Wayne Board of Works and Southtown Mall Development Company for construction of Hanna Street - Tillman Road- Tillman Park Area Sanitary Sewer have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt
James S. Stier

Concurred in 5-22-79 Charles W. Westerman
City Clerk

BILL NO. S-79-04-21

SPECIAL ORDINANCE NO. S-81-79

AN ORDINANCE approving an Agreement
between City of Fort Wayne Board of Works and
Southtown Mall Development Company for
construction of Hanna Street - Tillman Road -
Tillman Park Area Sanitary Sewer

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the Agreement dated April 4, 1979, between the City of Fort Wayne, by and through its Mayor and the Board of Public Works and Southtown Mall Development Company, for monetary contribution in the amount of \$51,400.00 by Southtown Mall Development Company for their share of area connection fees due and their participation in the construction costs of Hanna Street - Tillman Road - Tillman Park Sanitary Sewer and also, for the Southtown Mall Sanitary Sewer Lift Station Elimination, all as more particularly set forth in said agreement which is on file in the Office of the Board of Public Works and is by reference incorporated herein and made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, MOses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-81-79 on the 22nd day of May, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk /ne Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-04-22

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving City Utilities Purchase Order No. 0998 with Fuller Company % K.E. Jensen Company for equipment for the Tree Rivers Filtration Plant have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt
James S. Stier

Concurred in 5-22-79 Charles W. Westerman^{/ne}
City Clerk

BILL NO. S-79-04-22

SPECIAL ORDINANCE NO. S-82-79

AN ORDINANCE approving City Utilities
Purchase Order No. 0998 with Fuller
Company % K.E. Jensen Company for equipment
for the Three Rivers Filtration Plant

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 0998, dated April 3, 1979, between the City of Fort Wayne, by and through the City Utilities Purchasing Agent and the Board of Public Works and Fuller Company % K.E. Jensen Company, for:

Two Flange Mounted Uni-Filters and two Watchdog
Timers for Three Rivers Filtration Plant.

at a cost of \$4,880.00, all as more particularly set forth in said Purchase Order, which is on file in the Office of the Department of Purchasing and is by reference incorporated herein and made a part hereof, be and the same is in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and

approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-82-79 on the 22nd day of May, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. S-79-04-23

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance approving City Utilities Purchase Order No. 001015 with American Darling for equipment for the Water Maintenance & Service Department have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Paul M. Burns
Samuel J. Talarico
Vivian G. Schmidt
Donald J. Schmidt
James S. Stier

Concurred in 5-22-79 Charles W. Westerman /ne
City Clerk

BILL NO. S-79-04-23

SPECIAL ORDINANCE NO. S-83-79

AN ORDINANCE approving City Utilities
Purchase Order No. 001015 with American
Darling for equipment for the Water
Maintenance & Service Department

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That City Utilities Purchase Order No. 001015, dated
April 10, 1979, between the City of Fort Wayne, by and through the City Utilities
Purchasing Agent and the Board of Public Works and American Darling, for:

Butterfly Valves, Gaskets, Bolts and Glands for use by
Water Maintenance & Service Department in the Water
Distribution System,

at a cost of \$11,745.00, all as more particularly set forth in said Purchase Order,
which is on file in the Office of the Department of Purchasing and is by reference
incorporated herein and made a part hereof, be and the same is in all things
ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be effective upon passage and
approval by the Mayor.

Paul M. Burns
Councilman

Read the third time in full and on motion by Burns, seconded by
Hinga and duly adopted, placed on its passage. Passed by the following
vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Special Ordinance No. S-83-79 on the 22nd day of May, 1979.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk /ne

Winfield C. Moses, Jr.
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman /ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. X-79-02-41

REPORT OF THE COMMITTEE ON ANNEXATION

We, your Committee on Annexation to whom was referred an Ordinance annexing certain territory to the City of Fort Wayne, and including the same in Councilmanic District No. 3 (Wheatridge) have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

James S. Stier
Vivian G. Schmidt
Samuel J. Talarico

Concurred in 5-22-79 Charles W. Westerman/ne
City Clerk

BILL NO. X-79-02-41

ANNEXATION ORDINANCE NO. X-02-79

AN ORDINANCE annexing certain territory
to the City of Fort Wayne, and including
the same in Councilmanic District No. 3

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same
is hereby, annexed to and made a part of the corporation of the City of Fort Wayne,
Indiana, to-wit:

A part of the Southwest Quarter, Section 12,
T-31-N, R-12-E described as follows:

Beginning at a point on the north right-of-way
line of Cook Road which is 80 feet east of the
southwest corner of said Section 12 and 40 feet
north of the south line of said Section 12,
thence following the east right-of-way line of
Coldwater Road N. 33° 16'18"W.54.92 feet; thence
N.00° 38'40"W.396 feet; thence N. 5°51'52"W.219.91
feet; thence N.00°38'40"W.720.8 feet to a point
on the east right-of-way line of Coldwater Road
which is 30 feet east of the centerline of Cold-
water Road and 1421.8 feet north of the centerline
of Cook Road; thence N.89°06'20"E.150 feet to a
point which is on an arc of a circle with a radius
of 50 feet and the center of which is on the
continuation of the above line; thence on a curve
to the right having a radius of 50 feet a distance
of 130.9 feet to a point, said point also being
derived by a chord line of 96.59 feet having a
bearing of S.75°53'40"E.; thence No.89°06'20"

E.674.28 feet; thence S.00°53'40"E.140 feet;
 thence S.71°18'09"E.61.96 feet to the northwest
 corner of Lot 122 Wheatridge, Sec. 1 Add.; thence
 N.68°17'40"E.135.00 feet; thence N.52°35'41"E.
 133.54 feet; thence N.29°49'20"E.520 feet; thence
 S.60°10'40"E.50 feet; thence N.29°49'20"E.135 feet;
 thence S.60°10'40"E.150 feet; thence N.29°49'20"
 E.15 feet; thence S.60°10'40"E.530.33 feet; thence
 S.35°10'40"E.591.53 feet; thence S.00°28'36"
 E.1065.49 feet to a point on the north right-of-way
 line of Cook Road; thence S.89°50'18"W.2453 feet along
 the north right-of-way line of Cook Road to the point
 of beginning.

SECTION 2. Governmental and proprietary services of the City of Fort Wayne will be provided to the above described area within a period of three(3) years of annexation in a manner that is substantially equivalent in standard and scope to the governmental and proprietary services furnished by the City to other areas of the City which have characteristics of topography, patterns of land utilization and population density similar to said described territory.

SECTION 3. The procedures for providing governmental and proprietary services to the above described area are outlined in the fiscal plan for the area developed by the Department of Community Development and Planning, which plan is examined, approved and adopted by the Common Council prior to the passage of this ordinance.

SECTION 4. Said annexed territory shall be part of Councilmanic District No. 3 of the City of Fort Wayne, Indiana, as described in Section 2-9 of Article II of the Code of the City of Fort Wayne, Indiana, 1974.

SECTION 5. After its passage, approval by the Mayor final publication and the required sixty (60) day remonstrance period, this ordinance shall be in full force and effect.

James S. Stier
 Councilman

Read the third time in full and on motion by Stier, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Eight

Burns, Hinga, HUnter, Moses, D. Schmidt, Stier, V. Schmidt, Talarico

Nays: None
Abstained: One
Nuckols

Date: 5-22-79

Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-02-79 on the 22nd day of May, 1979.

ATTEST: (SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk /ne Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

BILL NO. A-79-04-10

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance of the City of Fort Wayne, Indiana, appropriating the sum of Two Million Six Hundred Thousand Dollars (\$2,600,000) to be applied on the cost of improving Baer Field, an airport owned and operated by The City of Fort Wayne, and expenses incurred in connection therewith have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS

Vivian G. Schmidt
William T. Hinga
James S. Stier
John Nuckols
Donald J. Schmidt

Concurred in 5-22-79 Charles W. Westerman
City Clerk

BILL NO. A-79-04-10

APPROPRIATION ORDINANCE NO. A-09-79

AN ORDINANCE of the City of Fort Wayne, Indiana, appropriating the sum of Two Million Six Hundred Thousand Dollars (\$2,600,000) to be applied on the cost of improving Baer Field, an airport owned and operated by The City of Fort Wayne, and expenses incurred in connection therewith

WHEREAS, by the adoption by the Common Council of an ordinance, the City of Fort Wayne has heretofore created a Department of Aviation under the control of the Board of Aviation Commissioners pursuant to Indiana Code 19-6-1; and

WHEREAS, the Board of Aviation Commissioners of the Department of Aviation of the City of Fort Wayne has found that it would be for the best interests of said City to provide for improving Baer Field, an airport owned and operated by The City of Fort Wayne, including the expansion and improvement of Terminal facilities, the purchase and installation of certain equipment, and site improvements to roadways and parking areas at said airport; and has determined that the estimated cost of said project, over and above the funds available for such purposes, will be in the approximate amount of Two Million Six Hundred Thousand Dollars (\$2,600,000); and

WHEREAS, the Board of Aviation Commissioners has filed a request for an appropriation in the amount of Two Million Six Hundred Thousand Dollars (\$2,600,000) on account of said project, which request has been approved by the City Controller, with the recommendation that the funds necessary to cover said appropriation be obtained by the issuance and sale of general obligation bonds of the City; and

WHEREAS, a petition has been filed under the provisions of Indiana Code 6-1.1-20-3, by more than fifty (50) owners of taxable real estate in the City of Fort Wayne, requesting the Common Council to issue bonds of the City in an amount not exceeding Two Million Six Hundred Thousand Dollars (\$2,600,000), for the purpose of procuring funds to be applied on said project which petition the Council has found to be in due form of law and sufficient under the provisions of said act; and

WHEREAS, the Council now finds that the City has no funds available

or provided for in the existing budget and tax levy which may be applied on said project, and the issuance of bonds in the amount of Two Million Six Hundred Thousand Dollars (\$2,600,000) has been authorized for that purpose; that an extraordinary emergency exists for the making of the additional appropriation hereinafter set out; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That the sum of Two Million Six Hundred Thousand Dollars (\$2,600,000) be appropriated out of the proceeds of the bonds designated an "Airport Improvement Bonds of 1979" heretofore authorized to be issued for the use of the Board of Aviation Commissioners in paying the cost of improving Baer Field, an airport owned and operated by The City of Fort Wayne, including the expansion and improvement of Terminal facilities, purchase and installation of certain equipment, and site improvements to roadways and parking areas at said airport, together with the incidental expenses to be incurred in connection with said project and the issuance of bonds on account thereof.

Section 2. This ordinance shall be in full force and effect from and after its passage and approval by the Mayor and legal publication thereof.

Vivian G. Schmidt
Councilwoman

Read the third time in full and on motion by V. Schmidt, seconded by Hinga and duly adopted, placed on its passage. Passed by the following vote:

Ayes: Nine

Burns, Hinga, Hunter, Moses, Nuckols, D. Schmidt,
V. Schmidt, Stier, Talarico

Nays: None

Date: 5-22-79

Charles W. Westerman /ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Appropriation Ordinance No. A-09-79 on the 22nd day of May, 1979.

ATTEST:

(SEAL)

Charles W. Westerman Winfield C. Moses, Jr.
City Clerk /ne Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on

the 23rd day of May, 1979, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 1st day of June, 1979, at the hour of 9:00 o'clock A.M., E.S.T.

Robert E. Armstrong
Mayor

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 22nd day of May, 1979, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 1st day of June, 1979.

Charles W. Westerman
City Clerk

Minutes approved and signed in open council this 12th day of June, 1979.

ATTEST:

(SEAL)

CITY CLERK

PRESIDING OFFICER